

INSTRUCTIONS:

File on original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BEING BROUGHT

a. Name of Employer: Nathel & Nathel, Inc.		b. Tel. No. (718) 991-6050
		c. Cell No.
		f. Fax No. (718) 991-3747
		g. e-Mail
		h. Number of workers employed 15+
d. Address (Street, city, state, and ZIP code) 357 Row C NYC Terminal Market Bronx, NY, 10474	e. Employer Representative	
i. Type of Establishment (factory, mine, wholesaler, etc)	j. Identify principal product or service Fruit/Vegetable	

k. The above named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1), and (3) and (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

I, (b) (6), (b) (7)(C), hereby bring this Charge of Unfair Labor Practices against my employer, Nathel & Nathel, Inc. (hereinafter the "Employer"). I was hired by the Employer in or around (b) (6), (b) (7)(C).

The Employer has a well established pattern of discouraging concerted activity. In particular, "employees are prohibited from fraternizing with or dating other employees on or off duty or become overly friendly with co-employees." (See the Employer's Adendum to its Harassment Prevention Policy, attached hereto as "Exhibit A").

Throughout the course of my employment, I have repeatedly opposed the terms and condition of my employment, on behalf of myself and other employees. In particular, I have complained about the Employer's failure to pay overtime, in violation of state and federal law. In response to same, the Employer has retaliated against me.

On March 19, 2012, I met with a (b) (6), (b) (7)(C), (b) (6), (b) (7) and agent of the Employer, who threatened to discipline and/or terminate me. In reply, I requested my union representative, but was denied.

Furthermore, on (b) (6), (b) (7)(C) 2012, I was appointed (b) (6), (b) (7)(C) of Local 153. On the day of my appointment, (b) (6), (b) (7)(C) told me that if I helped any employees within my capacity as a (b) (6), (b) (7)(C), I would be terminated. The Employer then called Local 153 to demand my removal as (b) (6), (b) (7)(C).

I therefore allege that I have been subjected to several unfair labor practices, as I was subjected to the anti-fraternization policy, retaliated against for opposing the terms and conditions of employment, on behalf of myself and others, denied representation when the Employer threatened to discipline and/or terminate me, and threatened within my capacity as (b) (6), (b) (7)(C).

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state and ZIP code) (b) (6), (b) (7)(C)	4c. Cell No.
	4d. Fax No.
	4e. E-Mail (b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when Charge is filed by a labor organization)

From (b) (6), (b) (7)(C)

-Fax: (b) (6), (b) (7)(C)

-To: -

-Fax: +1 (b) (6), (b) (7)(C)

Page 4 of 4 3/23/2012 11:18

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(Print/type name and title or office if any)

Address:

(b) (6), (b) (7)(C)

Date:

3-22-12

Office, if any Cell:

Fax No.

e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Collection of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151, et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the LRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

March 27, 2012

NATHEL & NATHEL, INC.
ATTN: MR. RICHARD BYLOTT, CFO
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

Re: NATHEL & NATHEL, INC.
Case 02-CA-077300

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If this Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



KAREN FERNBACH
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

NATHEL & NATHEL, INC.

CASE NUMBER

02-CA-077300

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NATHEL & NATHEL, INC.

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 02-CA-077300

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 27, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

NATHEL & NATHEL, INC.
ATTN: MR. RICHARD BYLOTT, CFO
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

March 27, 2012

Date

Luis Carrero, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

March 27, 2012

(b) (6), (b) (7)(C)

Re: NATHIEL & NATHIEL, INC.
Case 02-CA-077300

The charge that you filed in this case on March 26, 2012⁸⁶: March 26, 2012 has been docketed as case number 02-CA-077300. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is written in a cursive, flowing style.

KAREN FERNBACH
Regional Director

cc: MR. JUSTIN SWIDLER
1878 MARLTON PIKE E
SOCIETY HILLOFFICEPARK,SUITE10
CHERRY HILL, NJ 08003-2090



**United States Government
NATIONAL LABOR RELATIONS BOARD**

Region 2
26 Federal Plaza – Room 3614
New York, New York 10278-0104

Agency Website: www.nlrb.gov
Telephone: (212) 264-0300
Fax: (212) 264-2450

March 27, 2012

LOCAL 153, OPIEU
256 W 14TH ST, FL 6
NEW YORK, NY 10011-7103

Re: NATHIEL & NATHIEL, INC.
Case 02-CA-077300

This is to inform you that a charge has been filed with this office alleging the commission by the above-named employer of unfair labor practices within the meaning of section 8(a) of the National Labor Relations Act, as amended. A copy of the charge is enclosed, and you will note that you have been named therein in connection with the alleged unfair labor practices, although not as a respondent.

This charge will be investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceedings before the National Labor Relations Board and the Courts. In the event you choose to have representatives appear on your behalf, please have your representative complete "Notice of Appearance" Form NLRB-4701 and forward it promptly to this office

Since it appears that you and your representatives may have knowledge of the events leading to the charge, we would appreciate your supplying us with a written statement of any information in your possession which may have a bearing on the case. Please include copies of any documents mentioned and affidavits if they will help to make your position clear.

The case has been assigned for investigation to the Board Agent named below. If you would like to obtain further information respecting the charge or discuss the matter before responding, please telephone the Agent.

Your cooperation in this matter will be greatly appreciated.

Please be advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Very truly yours,

Karen P. Fernbach

Karen P. Fernbach
Regional Director

Enclosures: Copy of Charge

cc:

LOCAL 153, OPEIU
256 W 14TH ST., FL 6
NEW YORK, NY 10011-7103

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
02-CA-077300	March 27, 2012

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Nathel & Nathel, Inc		b. Tel. No. 718-991-6050
		c. Cell No.
d. Address (street, city, state ZIP code) 357 Row C NYC Terminal Market Bronx, New York 10474	e. Employer Representative Richard Bylott	f. Fax No. 718-991-3747
		g. e-Mail
		h. Dispute Location (City and State) Bronx, NY
i. Type of Establishment (factory, nursing home, hotel) Wholesaler	j. Principal Product or Service Fruit and Vegetable Distribution	k. Number of workers at dispute location 15+

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about February 1, 2012, the Employer by its agents, officers and representatives has violated 8(a)(1) by threatening, discouraging and coercing employees in the exercise of their Section 7 rights.

Since on or about (b) (6), (b) (7)(C) 2012 the Employer by its agents, officers and representatives has violated 8(a)(3) by retaliating against (b) (6), (b) (7)(C) by disciplining (b) (6), (b) (7)(C) for engaging in protected concerted activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives including (b) (6), (b) (7)(C) has violated 8(a)(1) by denying (b) (6), (b) (7)(C) Weingarten representation rights at a disciplinary meeting.

Since on or about March 20, 2012, the Employer by its agents, officers and representatives has violated 8(a)(1) by threatening (b) (6), (b) (7)(C) with discharge for engaging in (b) (6), (b) (7)(C) duties as a (b) (6), (b) (7)(C) for The Office and Professional Employee International Union, Local 153.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated 8(a)(4) by retaliating against (b) (6), (b) (7)(C) for filing an unfair labor practice charge with the NLRB.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No. (b) (6), (b) (7)(C)
	4e. e-Mail (b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is a affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)		Tel. No.
(b) (6), (b) (7)(C)		Office, if any, Cell No.
(Signature of representative or person making charge)	Print Name and Title	Fax No.
Address: (b) (6), (b) (7)(C)	Date:	e-Mail



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

April 5, 2012

NATHEL & NATHEL, INC.
ATTN: MR. RICHARD BYLOTT, CFO
NYC TERMINAL MARKET
357 ROW C
BRONX, NY 10474

Re: NATHEL & NATHEL, INC.
Case 02-CA-077300

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

KAREN FERNBACH
Regional Director

Enclosure: Copy of first amended charge

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NATHEL & NATHEL, INC.

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 02-CA-077300

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on April 5, 2012, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

NATHEL & NATHEL, INC.
RICHARD BYLOTT, CFO
NYC TERMINAL MARKET
357 ROW C
BRONX, NY 10474

April 5, 2012

Date

Luis Carrero, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

April 5, 2012

(b) (6), (b) (7)(C)

Re: NATHIEL & NATHIEL, INC.
Case 02-CA-077300

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is written in a cursive style with a large, stylized initial 'K'.

KAREN FERNBACH
Regional Director

cc: JUSTIN SWIDLER
1878 MARLTON PIKE E
SOCIETY HILL OFFICE PARK, SUITE 10
CHERRY HILL, NJ 08003-2090



**United States Government
NATIONAL LABOR RELATIONS BOARD**

Region 2
26 Federal Plaza – Room 3614
New York, New York 10278-0104

Agency Website: www.nlrb.gov
Telephone: (212) 264-0300
Fax: (212) 264-2450

April 5, 2012

LOCAL 153, OPIEU
265 W 14TH STREET, FL 6
NEW YORK, NY 10011-7103

Re: NATHIEL & NATHIEL, INC.
Case 02-CA-077300

Enclosed is a copy of the first amended charge that has been filed in this case.

This charge will be investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0336.

As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in the matter. If you have any questions, please contact the Board agent.

Very truly yours,

Karen P. Fernbach

Karen P. Fernbach
Regional Director

Enclosures: Copy of First Amended Charge

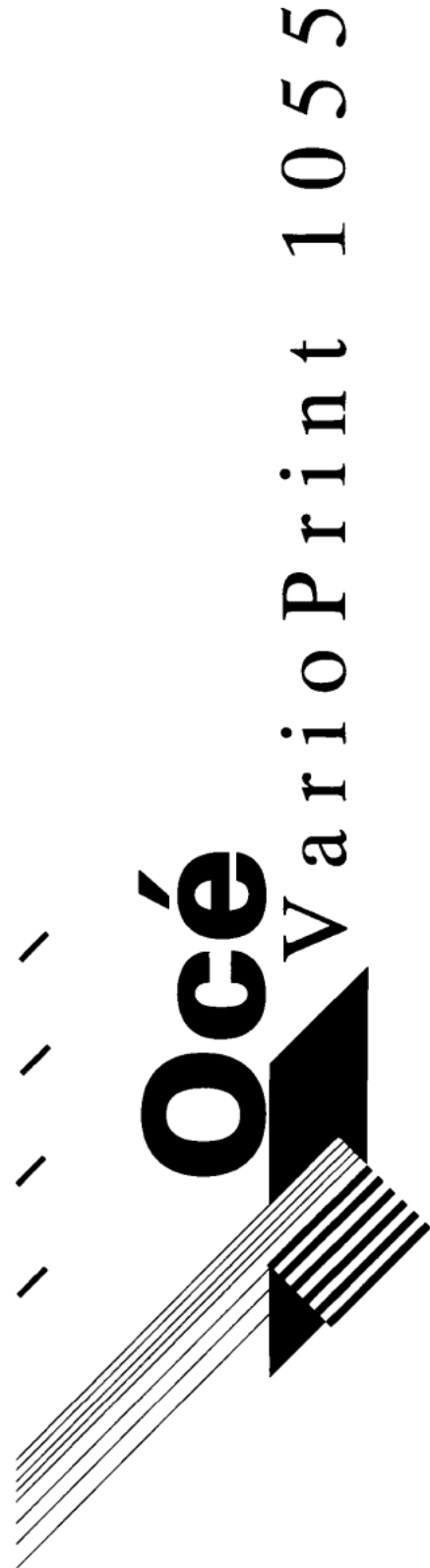
cc:

LOCAL 153, OPEIU
265 W 14TH STREET, FL6
NEW YORK, NY 10011-7103

Date 04-16-2012

Time 13:11:08

System vp173644



260 Madison Avenue
New York, NY 10016
212-759-9740
Fax: 212-759-7063
E-Mail: roger.madon@arb-net.net

Madon Malin, P.C.

Fax

To: Catalina Arango

From: Roger H. Madon

Fax: 212-264-2450

Pages:

Phone:

Date: April 13, 2012

Re: 2-CA-07730,77480,

cc:

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and

Nathel & Nathel, Inc.

CASE 2-CA-077300, 077480

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Nathel & Nathel, Inc.

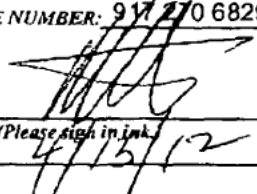
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Roger H. Madon, Esq.	
MAILING ADDRESS: Madon Malin, P.C. 260 Madison Ave. New York, NY 10016	
E-MAIL ADDRESS: rogermadon@madonmalin.com	
OFFICE TELEPHONE NUMBER: 212 759 9740	
CELL PHONE NUMBER: 917 270 6829	FAX: 212 759 7063
SIGNATURE: 	
DATE: 4/13/12	

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

Form NLRB - 501 (2-08)

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
SECOND AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Nathel & Nathel, Inc		b. Tel. No. 718-991-6050
		c. Cell No.
d. Address (street, city, state ZIP code) 357 Row C NYC Terminal Market Bronx, New York 10474	e. Employer Representative Richard Bylott	f. Fax No. 718-991-3747
		g. e-Mail
		h. Dispute Location (City and State) Bronx, NY
i. Type of Establishment (factory, nursing home, hotel) Wholesaler	j. Principal Product or Service Fruit and Vegetable Distribution	k. Number of workers at dispute location 15+

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated 8(a)(4) by retaliating and/or discriminating against (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) terms and conditions of employment for filing charges with the Board in Case No. 02-CA-077300.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated 8(a)(3) by retaliating against (b) (6), (b) (7)(C) when it ordered (b) (6), (b) (7)(C) back to work on April 13, 2012 at (b) (6), (b) (7)(C) normal rate of pay and then cut (b) (6), (b) (7)(C) pay in half on (b) (6), (b) (7)(C) 2012 because the Union refused to agree with the Employer's demand to use the American Arbitration Association to arbitrate (b) (6), (b) (7)(C) disciplinary grievances.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated 8(a)(3) by disciplining (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) engaged in protected concerted activities on behalf of the Union.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C) by and through (b) (6), (b) (7)(C) attorneys, Swartz, Swidler LLC

(b) (6), (b) (7)(C) city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.
(b) (6), (b) (7)(C)

4c. Cell No.

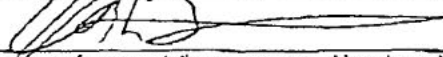
4d. Fax No.
(b) (6), (b) (7)(C)

4e. e-Mail
(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By: 
(signature of representative or person making charge)

Joshua Boyette, Esq.

Print Name and Title

Date: 5/2/2012

Tel. No.
Tel: (856) 283-3525

Office, if any, Cell No.

Fax No.
Fax: (856) 685-7417

e-Mail
jboyette@swartz-legal.com

Address:
Swartz, Swidler LLC 1878 Marlton Pike East, Society Hill
Office Park, Suite 10 Cherry Hill, NJ 08003

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

May 7, 2012

NATHEL & NATHEL, INC.
ATTN: RICHARD BYLOTT, CFO
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

Re: NATHEL & NATHEL, INC.
Case 02-CA-077300

Enclosed is a copy of the second amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212)264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322..

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is written in a cursive, flowing style with a large initial 'K'.

KAREN FERNBACH
Regional Director

Enclosure: Copy of second amended charge

cc: MADON MALIN, P.C.
ATTN: ROGER H. MADON, ESQ.
260 MADISON AVE
FL 17TH
NEW YORK, NY 10016-2401

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NATHEL & NATHEL, INC.

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 02-CA-077300

AFFIDAVIT OF SERVICE OF SECOND AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on May 7, 2012, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

NATHEL & NATHEL, INC.
ATTN: RICHARD BYLOTT, CFO
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

MADON MALIN, P.C.
ATTN: ROGER H. MADON, ESQ.
260 MADISON AVE
FL 17TH
NEW YORK, NY 10016-2401

May 7, 2012

Date

Name

/s/Teresa Proctor

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

May 7, 2012

(b) (6), (b) (7)(C)

Re: NATHIEL & NATHIEL, INC.
Case 02-CA-077300

We have docketed the second amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212)264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is written in a cursive, flowing style with a large initial 'K'.

KAREN FERNBACH
Regional Director

cc: SWARTZ SWIDLER LLC
ATTN: JOSHUA BOYETT, ESQ.,
ATTORNEY
1878 MARLTON PIKE E
SOCIETY HILL OFFICE PARK, SUITE 10
CHERRY HILL, NJ 08003-2090



**United States Government
NATIONAL LABOR RELATIONS BOARD**

Region 2
26 Federal Plaza – Room 3614
New York, New York 10278-0104

Agency Website: www.nlr.gov

Telephone: (212) 264-0300

Fax: (212) 264-2450

May 7, 2012

LOCAL 153-OPIEU
265 W. 14TH ST., FL 6
NEW YORK, NY 10011-7103

Re: Nathel & Nathel
02-CA-077300

We have docketed the Second amended charge that you filed in this case.

Investigator: This charge is being investigated by Senior Field Attorney CATALINA ARANGO whose telephone number is (212)264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Presentation of your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board Agent CATALINA ARANGO.

Very truly yours,

Karen P. Fernbach

Karen P. Fernbach
Regional Director

Cc

LOCAL 153, OPEIU
ATTN: RICHARD LANGAN, SECRETARY TREASURER
265 W. 14TH ST., FL 6
NEW YORK, NY 10011-7103

From: [Meredith Cavallaro](#)
To: [Arango, Catalina](#)
Subject: Nathel & Nathel, Inc.; Case Nos. 2-CA-077300; 2-CA-077480
Date: Wednesday, May 30, 2012 4:04:31 PM

Dear Ms. Arango,

We write to inform you that we represent Nathel & Nathel, Inc. in the above-referenced charges. Accordingly, please forward all communications to my attention.

Thank you.

Meredith Cavallaro
Paduano & Weintraub LLP
1251 Avenue of the Americas
Ninth Floor
New York, New York 10020
telephone: (212) 785-9100
telecopier: (212) 785-9099
www.pwlawyers.com

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and

Nathel & Nathel, Inc.

CASE 02-CA-077300

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Nathel & Nathel, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Meredith Cavallaro

MAILING ADDRESS: Paduano & Weintraub LLP, 1251 Avenue of the Americas, 9th Floor, New York, New York 10020

E-MAIL ADDRESS: mcavallaro@pwlawyers.com

OFFICE TELEPHONE NUMBER: 212-785-9100

CELL PHONE NUMBER: 917-941-6240 FAX: 212-785-9099

SIGNATURE:

Meredith Cavallaro

DATE: 7/2/12

(Please sign in ink.)

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 2
26 Federal Plaza – Room 3614
New York, New York 10278-0104

Agency Website: www.nlr.gov
Telephone: (212) 264-0300
Fax: (212) 264-2450

August 16, 2012

LOCAL 153 OFFICE & PROFESSIONAL EMPLOYEES
INT'L UNION
265 W 14TH ST, FL 6
NEW YORK, NY 10011-7191

Re: NATHEL & NATHEL, INC
Case 02-CA-077300

Enclosed is a copy of the third amended charge that has been filed in this case.

This charge will be investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in the matter. If you have any questions, please contact the Board agent.

Very truly yours,

Karen P. Fernbach

KAREN P. FERNBACH
REGIONAL DIRECTOR

Enclosures: Copy of Amended Charge

cc:

LOCAL 153 OFFICE OF PROFESSIONAL EMPLOYEES
INT'L UNION
ATTN: RICHARD LANIGAN, SECRETARY-TREASURER
265 W 14TH STREET, FL 6
NEW YORK, NY 10011-7191



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

August 16, 2012

NATHEL & NATHEL, INC.
ATTN: RICHARD BYLOTT, CFO
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

Re: NATHEL & NATHEL, INC.
Case 02-CA-077300

Enclosed is a copy of the third amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the third amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

KAREN P. FERNBACH
Regional Director

Enclosure: Copy of third amended charge

cc: MADON MALIN, P.C.
ATTN: ROGER H. MADON, ESQ.
260 MADISON AVE., FL 17TH
NEW YORK, NY 10016-2401

PADUANO & WEINTRAUB LLP
ATTN: GIDEON MARK, ESQ.
1251 AVENUE OF THE AMERICAS
NINTH FLOOR
NEW YORK, NY 10020-1104



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

August 16, 2012

(b) (6), (b) (7)(C)

Re: NATHIEL & NATHIEL, INC.
Case 02-CA-077300

We have docketed the third amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the third amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

August 16, 2012

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is written in a cursive style with a large, stylized "K" and "F".

KAREN P. FERNBACH
Regional Director

cc: SWARTZ SWIDLER LLC
ATTN: JOSHUA BOYETT, ESQ.
1878 MARLTON PIKE E
SOCIETY HILLOFFICEPARK,SUITE10
CHERRY HILL, NJ 08003-2090

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
THIRD AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
02-CA-077300	8/15/12

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Nathel & Nathel, Inc		b. Tel. No. (212)785-9100
		c. Cell No.
d. Address (street, city, state ZIP code) 357 Row C NYC Terminal Market Bronx, New York 10474	e. Employer Representative Richard Bylott, CFO Gideon Mark, Esq PADUANO & WEINTRAUB LLP 1251 AVENUE OF THE AMERICAS NINTH FLOOR NEW YORK, NY 10020-1104	f. Fax No. (212)785-9099
		g. e-Mail
		h. Dispute Location (City and State) Bronx, NY
i. Type of Establishment (factory, nursing home, hotel) Wholesaler	j. Principal Product or Service Fruit and Vegetable Distribution	k. Number of workers at dispute location 15+

I. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about (b) (6), (b) (7)(C) 2012, the Employer violated §8(a)(3) by disciplining when it cleaned out (b) (6), desk, moved (b) (6), work station and removed (b) (6), work e-mail privileges in retaliation for engaging in protected concerted activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives including (b) (6), (b) (7)(C) has violated 8(a)(1) by denying (b) (6), (b) (7)(C) Weingarten representation rights at a disciplinary meeting.

Since on or about March 20, 2012, the Employer by its agents, officers and representatives has violated 8(a)(3) by threatening (b) (6), (b) (7)(C) with discharge for engaging in (b) (6), duties as a (b) (6), (b) (7)(C) for The Office and Professional Employee International Union, Local 153.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated 8(a)(3) by disciplining (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) for photocopying their time sheets in retaliation for engaging in union activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated 8(a)(4) by retaliating against (b) (6), (b) (7)(C) for filing an unfair labor practice charge with the NLRB.

Since on or about April 13, 2012, the Employer by its agents, officers and representatives has violated 8(a)(3) by retaliating against (b) (6), (b) (7)(C) when it ordered (b) (6), back to work on (b) (6), (b) (7)(C) 2012 at (b) (6), normal rate of pay and then cut (b) (6), pay in half on (b) (6), (b) (7)(C) 2012 because the Union refused to agree with the Employer's demand to use the American Arbitration Association to arbitrate (b) (6), (b) (7)(C) disciplinary grievances.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated 8(a)(4) by retaliating and/or discriminating against (b) (6), (b) (7)(C) in (b) (6), terms and conditions of employment for filing charges with the Board in Case No. 02-CA-077300.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated 8(a)(3) by disciplining (b) (6), (b) (7)(C) for using (b) (6), cellular telephone at work in retaliation for (b) (6), union activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents officers and representatives has violated 8(a)(4) by removing (b) (6), (b) (7)(C) from the workplace and placing (b) (6), on paid administrative leave.

Since on or about (b) (6), (b) (7)(C) 2012 the Employer by its agents, officers and representatives has violated the Act by discharging (b) (6), (b) (7)(C) when it stopped paying (b) (6), wages after it had placed (b) (6), on paid administrative leave on (b) (6), (b) (7)(C) in retaliation for (b) (6), union activity and for filing the previous NLRB charges in Case No. 02-CA-077300 and 02-CA-084546.

3. Full name of party filing charge (if labor organization, give full name, including local union name)

(b) (6), (b) (7)(C) by and through (b) (6), attorneys, Swartz, Swidler LLC

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

4c. Cell No.

(b) (6), (b) (7)(C)

4d. Fax No.

		Do e-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)		
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief		Tel. No. Tel: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Office, if any, Cell No.
Charge)	Print Name and Title	Fax No.
Address: (b) (6), (b) (7)(C)	Date: 8/15/12	Fax: e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)



Attachment to Third Amended Charge:

On or about March 8, 2012, Nathel & Nathel (Employer) violated §8(a)(1) by promulgating a Harassment Prevention Policy that prohibits fraternizing with or dating other employees on or off duty; and

On or about (b) (6), (b) (7)(C) 2012, the Employer violated §8(a)(1) by refusing to recognize the Union's appointment of (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C) for the bargaining unit employees



**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 2**

**NATHEL & NATHEL, INC.,
d/b/a NATHEL & NATHEL**

Respondent

**Case Nos. 02-CA-077300
02-CA-077480
02-CA-083408
02-CA-084546**

and

**(b) (6), (b) (7)(C), An Individual
and**

**(b) (6), (b) (7)(C), An Individual
and**

**LOCAL 153, OFFICE & PROFESSIONAL
EMPLOYEES INTERNATIONAL UNION**

Charging Parties

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT,
AND NOTICE OF HEARING**

(b) (6), (b) (7)(C), an individual, has charged in Case Nos. 2-CA-077300 and 2-CA-084546 and (b) (6), (b) (7)(C), an individual, has charged in Case No. 2-CA-083408 and Local 153, Office and Professional Employees International Union, herein the Union, has charged in Case No. 2-CA-077480 that Nathel and Nathel, Inc., herein Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. §151 et seq., herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the Acting General Counsel, by the undersigned, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, ORDERS that these cases are consolidated.

These cases having been consolidated, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq. (the “Act”) and Section 102.15 of the Board’s Rules and Regulations, alleges as follows:

1. The charges in cases 02-CA-077300 and 02-CA-084546 were filed by (b) (6), (b) (7)(C) the charges in case 02-CA-083408 was filed by (b) (6), (b) (7)(C) and the charge in case 02-CA-077480 was filed by the Union, each as set forth in the following table, upon the Respondent on the dates indicated:

Case	Amended	Date Filed	Date Served
02-CA-077300		March 23, 2012	March 27, 2012
02-CA-077300	First Amended	March 27, 2012	April 5, 2012
02-CA-077300	Second Amended	May 3, 2012	May 7, 2012
02-CA-077300	Third Amended	August 15, 2012	August 16, 2011
02-CA-084546		July 5, 2012	July 5, 2012
02-CA-077480		March 27, 2012	March 28, 2012
02-CA-083408		June 19, 2012	June 19, 2012
02-CA-083408	First Amended	July 19, 2012	July 19, 2012


2. (a) At all material times Respondent, a domestic corporation with an office and place of business located at 357 Row C, NYC Terminal Market, Bronx, New York 10474, is engaged in the sale of fruits and vegetables to local suppliers and retailers.

(b) Annually, Respondent in the course and conduct of its business operations described in subparagraph (a) derives gross revenues in excess of \$50,000 from commercial customers which themselves directly engaged in interstate commerce.

3. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

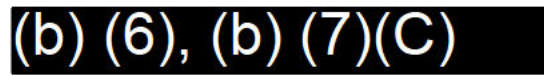
4. (a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent acting in its behalf.

(b) (6), (b) (7)(C)

A large black rectangular redaction box covering the names and positions of several individuals.

(b) At material times from about January 2011 to about September 2012, the following individual held the position set forth opposite (b) (6), (b) (7)(C) name and has been an agent of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

A black rectangular redaction box covering the name and position of an individual.

5. At material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

6. Respondent, at its facility:

a) On or about March 8, 2012, maintained an overbroad Harassment Prevention Policy.

b) On or about March 8, 2012, by (b) (6), (b) (7)(C) at Respondent's facility, coerced employees to sign the Harassment Prevention Policy.

c) On or about March 8, 2012, by (b) (6), (b) (7)(C) at Respondent's facility, coerced employees to sign the Harassment Prevention Policy.

d) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C) refused to recognize (b) (6), (b) (7)(C) as the employee selected by the Office and Professional Employees

International Union, Local 153 and its membership at the facility as its (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

- e) On or about March 20, 2012, by (b) (6), (b) (7)(C) at Respondent's facility, threatened employees with discharge if they engaged in union representation of unit employees.
- f) In or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C) orally disciplined employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) for photocopying their time sheets
- g) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), cleaned out (b) (6), (b) (7)(C) work area including personal family photographs.

7. Respondent, at its facility:

- a) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), moved (b) (6), (b) (7)(C) Work Area
- b) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), removed (b) (6), (b) (7)(C) work e-mail privileges.
- c) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), placed (b) (6), (b) (7)(C) on paid administrative leave.
- d) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), issued a written warning (b) (6), (b) (7)(C)
- e) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C) demoted (b) (6), (b) (7)(C) to the position of (b) (6), (b) (7)(C).
- f) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), reduced (b) (6), (b) (7)(C) salary.

- g) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), changed (b) (6), (b) (7)(C) lunch hour schedule.
- h) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), moved (b) (6), (b) (7)(C) work area a second time.
- i) On or about (b) (6), (b) (7)(C) 2012, issued a written warning to (b) (6), (b) (7)(C) for using (b) (6), (b) (7)(C) cell phone while at work.
- j) In or about April, 2012, by (b) (6), (b) (7)(C), issued a written warning (b) (6), (b) (7)(C).
- k) In or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), moved (b) (6), (b) (7)(C) work area.
- l) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), demoted (b) (6), (b) (7)(C).
- m) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C) placed (b) (6), (b) (7)(C) on paid administrative leave.
- o) Respondent engaged in the conduct described above in subparagraphs (a) through (m) because (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) assisted the Union and engaged in protected concerted activities and to discourage employees from engaging in these or other activities.

8. (a) Respondent, on around (b) (6), (b) (7)(C) 2012, discharged its employee (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) Since on or about (b) (6), (b) (7)(C), 2012 Respondent has failed and refused to reinstate or offer reinstatement to (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) former position of employment.

(c) Respondent engaged in the conduct described above in subparagraphs (a) and

(b) because (b) (6), (b) (7)(C) assisted the Union and engaged in protected concerted activities and to discourage employees from engaging in these or other activities.

9. By the conduct described above in paragraph 6, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

10. By the conduct described above in paragraphs 7 and 8, Respondent has been discriminating in regard to the hire, tenure, and/or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

11. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 7 and 8, the Acting General Counsel seeks, in addition to a complete and standard back pay remedy for all violations of the Act and all other relief as may be just and proper to remedy the unfair labor practices alleged, an order requiring reimbursement of amounts equal to the difference in taxes owed upon receipt of a lump-sum payment and taxes that would have been owed had there been no discrimination.

The Acting General Counsel further seeks, as part of the remedy for the allegations in paragraphs 8, that Respondent be required to submit the appropriate documentation to the Social Security Administration so that when back pay is paid, it will be allocated to the appropriate periods.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before October 11, 2012, or postmarked on or before October 12, 2012**. Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov. click on File Case Documents, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counselor non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile

transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on December 5, 2012, at 9:30 a.m. (EDT), at the Mary Walker Taylor Hearing Room on the 36th Floor of 26 Federal Plaza, New York, New York, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Signed at New York, New York
September 28, 2012

A handwritten signature in cursive script that reads "Karen P. Fernbach". The signature is written in black ink and is positioned above a horizontal line.

Karen P. Fernbach, Regional Director
National Labor Relations Board, Region 2
26 Federal Plaza, Room 3614
New York, NY 10278

Attachments



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 2
26 Federal Plaza -- Room 3614
New York, New York 10278-0104
(212) 264-0300
(212) 264-2450 Fax

September 28, 2012

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Re: Nathel & Nathel
Case Nos. 02-CA-077300
02-CA-083408
02-CA-084546

Dear (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C)

This is to inform you that I have approved the Charging Parties' requests to withdraw the following allegations in the above-captioned charges.

Case No. 2-CA-077300:

- a) the allegation that on February 1, 2012, the Employer violated Sec. 8(a)(1) by threatening employees by prohibiting the photocopying of timesheets;
- b) the allegation that on (b) (6), (b) (7)(C) 2012 the Employer violated Sec. 8(a)(1) and (3) by disciplining (b) (6), (b) (7)(C) by cleaning out the desk, moving (b) (6), (b) (7)(C) work station and removing (b) (6), (b) (7)(C) work email privileges;
- c) the allegation that on around (b) (6), (b) (7)(C) 2012 the Employer violated Sec. 8(a)(1) by denying employees their *Weingarten* rights;
- d) the allegation that on around (b) (6), (b) (7)(C) 2012 the Employer violated Sec. 8(a)(1) and (4) by retaliating against employees in retaliation for their filing unfair labor practice charges;
- e) the allegation that on around (b) (6), (b) (7)(C) 2012 the Employer violated Sec. 8(a)(1) and (4) by retaliating or discriminating against employees in their terms of employment because they filed unfair labor practice charges.

Case No. 2-CA-083408

- a) the allegation that on around (b) (6), (b) (7)(C) 2012 the Employer violated Sec. 8(a)(1) and (4) by retaliating and discriminating against employees in their terms and conditions of employment because they filed unfair labor practice charges;
- b) the allegation that on around (b) (6), (b) (7)(C) 2012 the Employer violated Sec. 8(a)(1) and (4) by retaliating and discriminating against employees in their

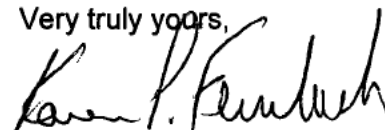
terms and conditions of employment because they filed unfair labor practice charges.

Case No. 2-CA-083408:

- a) the allegation that on around (b) (6), (b) (7)(C) 2012 the Employer violated Sec. 8(a)(1) and (4) by retaliating and discriminating against employees in their terms and conditions of employment because they filed unfair labor practice charges.

The remaining portions of the charges, alleging violations of Section 8(a)(1) and (3) of the Act, are being retained for further processing.

Very truly yours,



Karen P. Fernbach
Regional Director

cc:

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Local 153, OPEIU
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Secretary-Treasurer
265 West 14th Street, 6th Floor
New York, NY 10011

Local 153, OPEIU
Professional Employees
Attn.: Adam Kelly, Esq.
265 West 14th Street, 6th Floor
New York, NY 10011

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 2

NATHEL & NATHEL, INC.,
d/b/a NATHEL & NATHEL,

Respondent,

Case Nos. 02-CA-077300
02-CA-077480
02-CA-083408
02-CA-084546

and

(b) (6), (b) (7)(C), An Individual
and

(b) (6), (b) (7)(C), An Individual
and

LOCAL 153, OFFICE & PROFESSIONAL
EMPLOYEES INTERNATIONAL UNION,

Charging Parties.

ANSWER TO CONSOLIDATED COMPLAINT

For its Answer to the Consolidated Complaint in the captioned action respondent Nathel & Nathel, Inc., d/b/a Nathel & Nathel ("the Company"), submits the following, while fully reserving its right to move to sever the consolidated charges.

Preliminary Statement

The Company is a privately-held wholesaler of fruits and vegetables, based in The Bronx, New York. The Company was established in 1922 and has never before been the subject of an NLRB charge or complaint.

(b) (6), (b) (7)(C) ("") was a Company employee and a member of Local 153, OPEIU ("Local 153"). (b) (6), (b) (7)(C) was employed by the Company from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) 2012. (b) (6), (b) (7)(C) filed an initial charge against the Company in or about March 2012. Thereafter, (b) (6), (b) (7)(C) brought three amended charges. In July 2012, (b) (6), (b) (7)(C) filed an additional charge against the Company. (b) (6), (b) (7)(C) charges alleged, in sum and substance, that the Company promulgated an overbroad harassment prevention policy, that the Company refused to recognize (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C), that the Company demoted (b) (6), (b) (7)(C) disciplined (b) (6), (b) (7)(C)

placed (b) (6), (b) (7)(C) on administrative leave and terminated (b) (6), (b) (7)(C) and that such actions were retaliatory and otherwise improper.

Local 153 today comprises approximately 19 employees of the Company. In March 2012, Local 153 brought a charge against the Company alleging, in sum and substance, that the Company promulgated an overbroad harassment policy and refused to recognize (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) has been an employee of the Company since (b) (6), (b) (7)(C) and is a member of Local 153. (b) (6), (b) (7)(C) brought a Charge against the Company in or about June 2012 alleging, in sum and substance, that (b) (6), (b) (7)(C) was demoted and disciplined and that such conduct was improper and retaliatory.

The allegations contained in the Complaint are unfounded and without merit. Importantly, the Company did not at any time demote (b) (6), (b) (7)(C) or decrease (b) (6), (b) (7)(C) salary. (b) (6), (b) (7)(C) has not suffered any adverse employment action. The Company did demote (b) (6), (b) (7)(C) and place (b) (6), (b) (7)(C) on administrative leave. However, the Company did so as a direct result of (b) (6), (b) (7)(C) poor performance. These decisions were in no way motivated by alleged concerted activity or the filing of charges. Moreover, the Company did not discharge (b) (6), (b) (7)(C). Rather, as will be discussed further herein, the parties participated in an arbitration at which the parties reached a settlement providing for (b) (6), (b) (7)(C) separation from the Company.

This matter stems from an unfortunate criminal incident that occurred on the Company's premises in (b) (6), (b) (7)(C) 2012. In short, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) As a result, the Company adopted an anti-fraternization policy as an addendum to its Harassment Prevention Policy. Upon review of the charges filed thereafter, and in an effort to address the NLRB's concerns regarding the anti-fraternization policy, the Company voluntarily revised its anti-fraternization policy and requested that the Board review the draft and advise if it was acceptable. In August 2012, the Board advised that the draft was acceptable and it was posted by the Company. Accordingly, the allegations contained in the instant Complaint concerning the prior repealed anti-fraternization policy should be summararily dismissed.

A. The Anti-Fraternization Policy

The Complaint concerns, in part, an anti-fraternization policy (the (b) (6), (b) (7)(C) 2012 Policy") that the Company adopted as a reasonable response to a (b) (6), (b) (7)(C) 2012 criminal incident that stemmed from fraternization between Company employees. The Company previously furnished documents to the Board concerning that criminal incident. As described above, (b) (6), (b) (7)(C)

The March 2012 Policy was specifically designed to avoid repetition of such an event. It was made an addendum to the Company's existing Harassment Prevention Policy and it stated: "Employees are prohibited from fraternizing with or dating other employees on duty or off or become overly friendly with co-employees of the Company's customers, thereby avoiding personal entanglements."

While the Company firmly believed, and continues to believe, that the (b) (6), (b) (7)(C) 2012 Policy was a prudent response to the foregoing serious criminal incident, it voluntarily agreed to re-draft the policy in an effort to address the Board's concerns about vagueness and overbreadth. In July 2012 the Company submitted to the Board a draft proposal for a new anti-fraternization policy and requested that the Board review the draft and advise whether it was acceptable. In August 2012 the Board advised that the draft was acceptable. The new policy (the "July 2012 Policy") was posted by the Company following approval by the Board. It is set forth below:

While Nathel & Nathel, Inc. (the "Company") respects the privacy of its employees' activities outside the workplace, some non-business relationships, including romantic relationships, may affect the workplace. In order to avoid conflicts of interest, misunderstandings or the appearance of favoritism, and in order to protect our employees from unlawful sexual harassment, the Company has adopted the following policy:

Dating and romantic involvement among employees are prohibited when the relationship would tend to create a conflict of interest or the appearance of a conflict of interest, or would otherwise potentially inhibit the ability of any employee to perform his or her duties in an effective or efficient manner.

Any employee in a relationship covered by this policy must disclose the relationship to one of the officers of the Company

– (b) (6), (b) (7)(C) , or (b) (6), (b) (7)(C)). That officer will then determine if the Company has a legitimate business reason to address the situation further. Nothing in this policy is intended to interfere with the private lives of employees where there is no impact on the workplace, or to prohibit employees from discussing the terms and conditions of their employment with their co-employees.

Employees who are involved in a relationship covered by this policy and who fail to inform the Company will be subject to remedial action, including not only reassignment of duties and responsibilities, limiting of job functions and/or access to confidential information, but also possible disciplinary action, up to and including termination. Any employee requiring clarification of this policy should contact one of the Company's officers.

B. The Allegations Concerning (b) (6), (b) (7)(C) Are Meritless

(b) (6), (b) (7)(C) allegation that (b) (6), (b) (7)(C) was disciplined, demoted, placed on administrative leave and terminated in retaliation for engaging in protected activity or for filing charges is entirely false. (b) (6), (b) (7)(C) was demoted for poor performance. (b) (6), (b) (7)(C) who worked in the Company's (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) , failed to fulfill (b) (6), (b) (7)(C) job duties by repeatedly failing to follow-up on an unpaid invoice, despite being requested to do so, before (b) (6), (b) (7)(C) commenced (b) (6), (b) (7)(C) Board proceeding. As someone who worked in (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was responsible for following-up on such invoices. As a result of (b) (6), (b) (7)(C) failure to perform (b) (6), (b) (7)(C) job duties, the Company lost confidence in (b) (6), (b) (7)(C) as an employee and demoted (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) failure to perform (b) (6), (b) (7)(C) job duties occurred in (b) (6), (b) (7)(C) 2012. Subsequently, the Company deliberated concerning the appropriate course of conduct, and ultimately determined, in (b) (6), (b) (7)(C) 2012, to discipline (b) (6), (b) (7)(C) by demoting (b) (6), (b) (7)(C) . The demotion had nothing to do with (b) (6), (b) (7)(C) engaging in protected union activity. It had everything to do with (b) (6), (b) (7)(C) poor job performance. Thereafter, (b) (6), (b) (7)(C) was placed on paid administrative leave because (b) (6), (b) (7)(C) had become extremely disruptive in the office. Specifically, (b) (6), (b) (7)(C) was sleeping at (b) (6), (b) (7)(C) desk, filing (b) (6), (b) (7)(C) nails, repeatedly spinning around in (b) (6), (b) (7)(C) chair, and generally making a spectacle of (b) (6), (b) (7)(C) while simultaneously disrupting the operations of the office. The Company's Collective Bargaining Agreement ("CBA") contains a Management Rights Clause providing for the Company's unqualified right to hire, discharge for cause, promote, demote and transfer, assign and direct the workforces.

(b) (6), (b) (7)(C) allegation that (b) (6), (b) (7)(C) was later terminated in retaliation for engaging in protected activity or for filing charges is entirely disingenuous. (b) (6), (b) (7)(C) had filed a grievance with Local 153 which proceeded to arbitration on (b) (6), (b) (7)(C) 2012. At the arbitration, the parties reached a settlement. Pursuant to the settlement, (b) (6), (b) (7)(C) separated from the Company. (b) (6), (b) (7)(C) failed to execute the settlement agreement memorializing the agreement reached by the parties and the NLRB later informed the parties that it intended to proceed with the instant action despite the proposed non-Board settlement. Thus, the parties did not ultimately execute a settlement agreement memorializing the terms of the agreement reached on (b) (6), (b) (7)(C) 2012. Thereafter, (b) (6), (b) (7)(C) lodged a charge claiming that (b) (6), (b) (7)(C) "termination" on (b) (6), (b) (7)(C) 2012 constituted retaliation for engaging in protected activity or for filing charges. Under the circumstances, this is simply not credible.

1. The Company Did Not Engage In Wrongful Conduct In Connection With (b) (6), (b) (7)(C) Removal as (b) (6), (b) (7)(C)

The Complaint's allegation that the Company improperly failed to recognize (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C) is absolutely false.

Employee (b) (6), (b) (7)(C) a member of Local 153 at the Company, asked (b) (6), (b) (7)(C) fellow members of Local 153 to sign a petition, drafted by (b) (6), (b) (7)(C) to have (b) (6), (b) (7)(C) removed as (b) (6), (b) (7)(C). A copy of the petition (a letter dated March 26, 2012 and addressed to union representative (b) (6), (b) (7)(C) was previously submitted by the Company to the NLRB. As the letter indicates, the petition was circulated because (b) (6), (b) (7)(C) and the other co-signers believed that (b) (6), (b) (7)(C) was a poor choice as (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) had been abrupt and abusive toward other members of Local 153, and the co-signers believed that accordingly (b) (6), (b) (7)(C) would not represent (b) (6), (b) (7)(C) fellow Local 153 members in a positive manner. At the time that the petition was circulated Local 153 comprised 19 Company employees. (b) (6), (b) (7)(C) approached approximately 16 of them, 13 of whom signed. As noted, the petition expressed a willingness to take a vote on the issue. After the petition was submitted to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) appointment as temporary (b) (6), (b) (7)(C) was vacated by Local 153 on or about (b) (6), (b) (7)(C) 2012, according to (b) (6), (b) (7)(C). Accordingly, the Company did not refuse to recognize (b) (6), (b) (7)(C) appointment as is alleged in the Complaint. Nor did the Company's officers champion (b) (6), (b) (7)(C) removal. Local 153 employees petitioned to have (b) (6), (b) (7)(C) removed and Local 153 vacated (b) (6), (b) (7)(C) temporary appointment. Accordingly, the allegations in the Complaint are without merit.

C. The Allegations Concerning (b) (6), (b) (7)(C) Are Meritless

The sum and substance of the allegations concerning (b) (6), (b) (7)(C) is that the Company allegedly demoted (b) (6), (b) (7)(C). This is simply false. The Company did not demote (b) (6), (b) (7)(C) or reduce (b) (6), (b) (7)(C) salary.

(b) (6), (b) (7)(C) was hired in (b) (6), (b) (7)(C) as a full-time biller. Soon thereafter, the Company transferred (b) (6), (b) (7)(C) to inventory and (b) (6), (b) (7)(C) continued to do part-time billing work. In (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was arrested and, following (b) (6), (b) (7)(C) release, returned to the Company in (b) (6), (b) (7)(C) billing and inventory position. In (b) (6), (b) (7)(C) 2007 (b) (6), (b) (7)(C) was trained to identify freight bills, while doing billing and inventory. In (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was cross-trained to do package reconciliation, while continuing (b) (6), (b) (7)(C) work in inventory and billing. In 2010 (b) (6), (b) (7)(C) full-time duties were package reconciliation and inventory. In or about (b) (6), (b) (7)(C) 2012 (b) (6), (b) (7)(C) began doing inventory and billing. From the end of 2010 to the current date (b) (6), (b) (7)(C) has occupied various clerical positions within the Company, including, but not limited to, inventory, package reconciliation, accounts payable, filing, freight payables, and billing. (b) (6), (b) (7)(C) was not demoted at any point in time.

The Complaint also alleges that the Company improperly disciplined (b) (6), (b) (7)(C). This is also false. On (b) (6), (b) (7)(C) 2012 the Company placed a letter in (b) (6), (b) (7)(C) personnel file concerning (b) (6), (b) (7)(C) chronic tardiness. That tardiness resulted in (b) (6), (b) (7)(C) being short 23 hours, as noted in the letter. The letter was placed in (b) (6), (b) (7)(C) file after (b) (6), (b) (7)(C) had been verbally warned on several occasions concerning (b) (6), (b) (7)(C) tardiness. A number of other Company employees have also received letters concerning their chronic tardiness. None of these letters constitute discipline for engaging in union activity. Rather, they constitute a reasonable effort to cope with a chronic tardiness issue.

In or about (b) (6), (b) (7)(C) 2012 (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) disciplined (b) (6), (b) (7)(C) for displaying an inappropriate picture at the work site. On (b) (6), (b) (7)(C) 2012 the Company placed a letter in (b) (6), (b) (7)(C) personnel file concerning a complaint by (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was creating an offensive and/or hostile work environment by displaying a vulgar image. A copy of the letter, with a photo of the image, was previously provided by the Company to the NLRB. The image reads: "I work well with others when they leave me the fuck alone." The Company determined that (b) (6), (b) (7)(C) display of this image violated the Company's Harassment Prevention Policy which states, *inter alia*, that the Company "will not tolerate conduct by any employee that harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive or hostile work environment." In no respect does this reflect discipline of (b) (6), (b) (7)(C) for engaging in protected union activity.

Finally, the allegation that (b) (6), (b) (7)(C) work station was moved because (b) (6), (b) (7)(C) engaged in unidentified protected concerted activity is false. (b) (6), (b) (7)(C) desk was moved in (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) 2012 from the front office to the accounts payable area. (b) (6), (b) (7)(C) also switched from vegetable work to fruit work. Neither of these moves constituted a demotion or adverse employment action. (b) (6), (b) (7)(C) has not suffered a termination, demotion, pay cut, or negative change in job responsibilities in connection with the movement of (b) (6), (b) (7)(C) desk.

The applicable Collective Bargaining Agreement ("CBA") provides in Section 5 that the Company's right to transfer, assign and direct the working force is unqualified as long as the right is not used in violation of any of the provisions of the CBA.

D. The Allegations That The Company Disciplined Employees For Photocopying Timesheets Is False

The Company denies that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) or other employees were disciplined for photocopying their time sheets. Indeed, employees are free to inspect their timesheets. As employees sign their time sheets on an on-going basis, inspection regularly occurs. Company employees have been advised by (b) (6), (b) (7)(C) that photocopying of time sheets and other Company documents requires (b) (6), (b) (7)(C)'s prior approval, but, as indicated, inspection is available. Nothing in the applicable CBA between Local 153 and the New York Produce Trade Association, covering the three-year period May 1, 2010-April 30, 2013, proscribes a restriction on copying of Company documents.

Moreover, neither (b) (6), (b) (7)(C) nor any other employees were disciplined for photocopying their time sheets. Instead, employees were advised by (b) (6), (b) (7)(C) that photocopying of time sheets and other Company documents was not permitted absent prior approval by (b) (6), (b) (7)(C). But employees have always been permitted to inspect their time sheets, and no discipline has been imposed for copying.

Answer to Specific Allegations

1. Responding to Paragraph 1, the Company admits that various charges were filed by (b) (6), (b) (7)(C), and Local 153 against the Company. The Company lacks sufficient information to admit or deny the remainder of the allegations set forth in Paragraph 1, and on that basis denies them.

2. Responding to Paragraph 2, the Company admits the allegations

set forth therein.

3. Responding to Paragraph 3, the Company admits the allegations set forth therein.

4. Responding to Paragraph 4, the Company admits that (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are (b) (6), (b) (7)(C) and Officers of the Company, (b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C) of the Company and (b) (6), (b) (7)(C) has been the (b) (6), (b) (7)(C) from on or about January 2011 to the present. The Company denies the remaining allegations to the extent they call for legal conclusions.

5. Responding to Paragraph 5, the Company admits the allegations set forth therein.

6. Responding to Paragraph 6, the Company denies the allegations contained therein, except admits that on or about March 8, 2012 it maintained a Harassment Prevention Policy.

7. Responding to Paragraph 7, the Company denies the allegations contained therein.

8. Responding to Paragraph 8, the Company denies the allegations contained therein.

9. Responding to Paragraph 9, the Company denies the allegations set forth therein.

10. Responding to Paragraph 10, the Company denies the allegations set forth therein.

11. Responding to Paragraph 11, the Company denies the allegations set forth therein.

Affirmative Defenses

For its affirmative defenses the Company asserts the following:

First Affirmative Defense

The Company has neither interfered with, nor restrained, nor coerced (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) in the exercise of the rights guaranteed in Section 7 of the National Labor Relations Act (the "Act").

Second Affirmative Defense

The Company has neither interfered with, nor restrained, nor coerced (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) in the exercise of their right to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection.

Third Affirmative Defense

All conduct undertaken by the Company with regard to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) has been in accord with the applicable Collective Bargaining Agreement between Local 153 and the New York Produce Trade Association.

Fourth Affirmative Defense

The Company has not discriminated with regard to hire or tenure of employment or any term or condition of employment, to encourage or discourage membership by (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) in any labor organization.

Fifth Affirmative Defense

The Company has not been motivated by any anti-union animus to take any adverse employment action with regard to (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C).

Sixth Affirmative Defense

Assuming *arguendo* that the Company was motivated by anti-union animus with regard to (b) (6), (b) (7)(C) and/or (b) (6), (b) (7)(C) it still would have taken the same actions in the absence of anti-union considerations.

Seventh Affirmative Defense

Neither (b) (6), (b) (7)(C) nor (b) (6), (b) (7)(C) engaged in activity protected by the Act.

Eighth Affirmative Defense

If (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) were engaging in activity protected by the Act, the Company had no such knowledge.

Ninth Affirmative Defense

The Company has not taken adverse employment actions and, if it did,

there is no nexus between such action and protected activity by (b) (6), (b) (7)(C) and/or (b) (6), (b) (7)(C)

Tenth Affirmative Defense

The Company voluntarily revised its Anti-Fraternization Policy prior to filing by the Board of the Consolidated Complaint, and the Board approved the revision prior to filing of the Consolidated Complaint.

Eleventh Affirmative Defense

The Company's former Anti-Fraternization Policy was adopted as a reasonable response to a serious criminal incident that threatened the safety of Company employees.

Twelfth Affirmative Defense

(b) (6), (b) (7)(C) was removed as (b) (6), (b) (7)(C) pursuant to lawful petition.

Thirteenth Affirmative Defense

The Company is entitled to impose restrictions on the copying of its documents by Company employees.

Fourteenth Affirmative Defense

The Company coerced no employees to sign its Harassment Prevention Policy.

Fifteenth Affirmative Defense

The warnings issued to (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) were fully justified and in no respect motivated by anti-union animus.

Sixteenth Affirmative Defense

The Company did not terminate (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) separated from the Company in connection with a settlement reached at an arbitration on (b) (6), (b) (7)(C) 2012.

Seventeenth Affirmative Defense

The Company did not demote (b) (6), (b) (7)(C)

Dated: October 26, 2012
New York, New York

PADUANO & WEINTRAUB LLP

By: 

Meredith Cavallaro

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Ninth Floor
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October 26, 2012

VIA ELECTRONIC SUBMISSION

Karen Fernbach
Regional Director
National Labor Relations Board, Region 2
26 Federal Plaza, Room 3614
New York, New York 10278

Re: (b) (6), (b) (7)(C) and Local 153 Office & Professional
Employees International Union v. Nathel & Nathel, Inc. d/b/a Nathel & Nathel,
Case Nos. 02-CA-077300, 02-CA-077480, 02-CA-083408, 02-CA-084546

Dear Ms. Fernbach:

We represent respondent Nathel & Nathel, Inc. d/b/a Nathel & Nathel ("the Company" or "Respondent") in the referenced matters. We recently received the Consolidated Complaint, dated September 28, 2012 ("Consolidated Complaint") which combine separate, unrelated charges. This letter serves as Respondent's Motion to Sever the charges concerning (b) (6), (b) (7)(C) in the Consolidated Complaint, pursuant to Section 102.33 and Section 102.24 of the Rules and Regulations of the National Labor Relations Board (the "Board"). As is detailed herein, (b) (6), (b) (7)(C) charges do not concern the same issues, parties or incidents as the remaining charges brought by (b) (6), (b) (7)(C) and Local 153, Office of Professional Employees International Union ("Local 153"), and a hearing addressing numerous unrelated charges on behalf of three separate parties would be significantly prejudicial to Respondent, and would unnecessarily delay the proceedings.

Background Facts

The Company is a privately-held wholesaler of fruits and vegetables, based in The Bronx, New York. The Company was established in 1922 as a

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partnership. It currently services the Tri-State area. The Company has never before been the subject of an NLRB charge or complaint.

(b) (6), (b) (7)(C) was a Company employee and a member of Local 153. (b) (6), (b) (7)(C) was employed by the Company from (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) 2012. (b) (6), (b) (7)(C) filed an initial charge against the Company in or about March 2012 and then a series of subsequent amendments/new charges. The various charges alleged, in sum and substance, that the Company promulgated an overbroad harassment prevention policy, refused to recognize (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C), demoted (b) (6), (b) (7)(C) disciplined (b) (6), (b) (7)(C) placed (b) (6), (b) (7)(C) on administrative leave and terminated (b) (6), (b) (7)(C) and that such actions were retaliatory and otherwise improper.

In regard to allegations that the Company refused to recognize (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C) the available evidence demonstrates that (b) (6), (b) (7)(C) position as a temporary (b) (6), (b) (7)(C) was vacated after the employees in Local 153 signed a petition for removal. Furthermore, (b) (6), (b) (7)(C) removal is separate and apart from any charges concerning (b) (6), (b) (7)(C) and the Consolidated Complaint reflects this fact. Further, in regard to allegations of termination, the Company did not discharge (b) (6), (b) (7)(C). Rather, the parties participated in an arbitration at which the parties reached a settlement providing for (b) (6), (b) (7)(C) separation from the Company – which (b) (6), (b) (7)(C) then later refused to execute. Again, charges related to (b) (6), (b) (7)(C) separation from the Company do not overlap with (b) (6), (b) (7)(C) charges (addressed below).

Local 153 today comprises approximately 19 employees of the Company. In March 2012, Local 153 brought a charge against the Company alleging, in sum and substance, that the Company promulgated an overbroad harassment policy and refused to recognize (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C). The matter concerning the harassment policy stemmed from a criminal incident at the Company's premises involving the (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) An Anti-Fraternization Policy was adopted by the Company after this incident, as an addendum to its Harassment Prevention Policy and was challenged by Local 153. A charge followed. In an effort to address the NLRB's concerns regarding the Anti-

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Fraternization Policy, the Company voluntarily revised the policy and requested that the Board review the draft revision and advise if it was acceptable. In August 2012, the Board advised that the draft was acceptable and it was posted by the Company. Accordingly, the charges concerning the Anti-Fraternization Policy should be dismissed.

(b) (6), (b) (7)(C) has been an employee of the Company since (b) (6), (b) (7)(C) and is a member of Local 153. (b) (6), (b) (7)(C) filed a charge against the Company in or about June 2012 alleging, in sum and substance, that (b) (6), (b) (7)(C) was demoted and disciplined and that such conduct was improper and retaliatory. (b) (6), (b) (7)(C) alleges that disciplinary letters issued by the Company concerning (b) (6), (b) (7)(C) repeated tardiness and posting of a poster with vulgar language was issued in retaliation. (b) (6), (b) (7)(C) further alleges that moving (b) (6), (b) (7)(C) work space to the accounts payable area was a result of engaging in protected concerted activity. The Company denies such allegations. Moreover, these alleged retaliatory activities are completely unrelated to the charges filed by Local 153 and (b) (6), (b) (7)(C).

The charges by (b) (6), (b) (7)(C) Local 153, and (b) (6), (b) (7)(C) were combined in a Consolidated Complaint, dated September 28, 2012. The charges in cases 02-CA-077300 and 02-CA-084546 were filed by (b) (6), (b) (7)(C). The charges in case 02-CA-083408 were filed by (b) (6), (b) (7)(C). The charges in case 02-CA-077480 were filed by Local 153.

The below table sets forth the charges' filing dates, parties and any amendments thereto, per the Board's information:

(b) (6), (b) (7)(C)	Case No.	Date Filed/Amendments	Date Served
	02-CA-077300	March 23, 2012 Amend: March 27, 2012 Amend: May 3, 2012 Amend: August 15, 2012	March 27, 2012
	02-CA-084546	July 5, 2012	July 5, 2012

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<u>Local 153</u>	<u>Case No.</u>	<u>Date Filed/Amendments</u>	<u>Date Served</u>
	02-CA-077480	March 27, 2012	March 28, 2012
<u>(b) (6), (b) (7)(C)</u>	<u>Case No.</u>	<u>Date Filed/Amendments</u>	<u>Date Served</u>
	02-CA-083408	June 19, 2012 Amend: July 19, 2012	June 19, 2012

Motion To Sever

The Company seeks to sever certain charges concerning (b) (6), (b) (7)(C) from the Consolidated Complaint in order to expedite the adjudication of these matters in a non-prejudicial manner. Charges concerning (b) (6), (b) (7)(C) (Case No. 02-CA-083408) are separate and distinct from the remaining charges concerning (b) (6), (b) (7)(C) (Case Nos. 02-CA-077300 and 02-CA-084546) and Local 153 (Case No. 02-CA-077480) (which concerns an incident involving (b) (6), (b) (7)(C)). The charges in the Consolidated Complaint were brought by three separate parties concerning separate individuals and entities, separate incidents, and different time periods. The available evidence does not demonstrate that these separate charges are related to one another, either in terms of the relevant time period or the alleged unfair labor practices.

The few overlapping charges in the Consolidated Complaint are now moot. Charges concerning the allegedly overbroad Anti-Fraternization Policy have been resolved. The Company, in response to charges concerning the Policy, requested the Board's review of a revised policy which it reviewed, and has since posted the revised and Board-approved policy at the Company's premises. Further, the charges relating to allegations that the Company prevented (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) from engaging in protected concerted activities by disciplining them for photocopying their time sheets have been fully addressed. No employees were disciplined for photocopying their time sheets. The Company has advised its employees that photocopying of time sheets and other Company documents requires the Chief Financial Officer's prior approval, but also has advised that inspection is available.

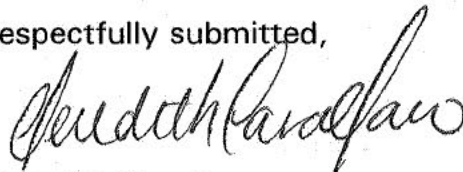
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The remaining charges in the Consolidated Complaint concern separate charges and issues for (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) charges do not arise from the same transaction or transactions as (b) (6), (b) (7)(C) charges or Local 153's charges. They are wholly unrelated and involve separate and distinct witness testimony and documentary evidence.

Requiring all unrelated Charges to be heard during a single hearing would severely prejudice the Company both in terms of trial preparation and trial. This prejudice, stemming from the requirement to defend against unrelated and non-overlapping charges involving different individuals, time periods, and alleged unfair labor practices, merits severance. In comparison, granting the severance motion "will result in no prejudice to any of the [remaining] parties." Storer Cable TV of Texas, 292 NLRB 140 (1988); Adair Standish Corp., 283 NLRB 668, 669-671 (1987), *enf'd*, 875 F.2d 866 (6th Cir. 1989) (severing unrelated charges).

In summary, for the reasons set forth above, the Company's Motion to Sever should be granted.

Respectfully submitted,



Meredith Cavallaro

cc: Geoffrey Dunham (via Electronic Mail)
Catalina Arango (via Electronic Mail)

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

**NATHEL & NATHEL, INC.
D/B/A NATHEL & NATHEL**

and

Case Nos. 02-CA-077300 —
02-CA-077480
02-CA-083408
02-CA-084546

(b) (6), (b) (7)(C), an individual

and

(b) (6), (b) (7)(C), an individual

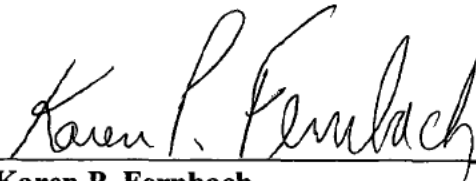
and

**Local 153 Office & Professional
Employees International Union**

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter be, and the same hereby is, rescheduled from December 5, 2012, to January 30, 2013, at 9:30 A.M., and any adjourned date until completed, at 26 Federal Plaza, Room 3614, New York, New York.

**Signed at New York, New York
November 16, 2012**



**Karen P. Fernbach,
Regional Director
National Labor Relations Board
Region 2**

Historical Division of Judges Docket Activity For Case
02-CA-077300 NATHEL AND NATHEL

10/4/2012 - ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT AND NOTICE OF HEARING DTD 092812.

10/11/2012 - ORDER EXTENDING TIME TO FILE ANSWER TO 102612 DTD 101012.

10/16/2012 - REGION 2'S LETTER APPROVING CP'S REQUEST TO WITHDRAW CERTAIN PORTIONS OF CHARGES DTD 092812.

11/20/2012 - ORDER RESCHEDULING HEARING TO 013013 DTD 111612.

**UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
REGION 2**

**NATHEL & NATHEL, INC.,
d/b/a NATHEL & NATHEL**

Respondent

**Case Nos. 02-CA-077300
02-CA-077480
02-CA-083408
02-CA-084546**

and

**(b) (6), (b) (7)(C), An Individual
and**

**(b) (6), (b) (7)(C) An Individual
and**

**LOCAL 153, OFFICE & PROFESSIONAL
EMPLOYEES INTERNATIONAL UNION**

Charging Parties

**ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT,
AND NOTICE OF HEARING**

(b) (6), (b) (7)(C), an individual, has charged in Case Nos. 2-CA-077300 and 2-CA-084546 and (b) (6), (b) (7)(C), an individual, has charged in Case No. 2-CA-083408 and Local 153, Office and Professional Employees International Union, herein the Union, has charged in Case No. 2-CA-077480 that Nathel and Nathel, Inc., herein Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. §151 et seq., herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the Acting General Counsel, by the undersigned, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, ORDERS that these cases are consolidated.

These cases having been consolidated, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the National Labor Relations Act, 29 U.S.C. § 151 et seq. (the “Act”) and Section 102.15 of the Board’s Rules and Regulations, alleges as follows:

1. The charges in cases 02-CA-077300 and 02-CA-084546 were filed by (b) (6), (b) (7)(C) the charges in case 02-CA-083408 was filed by (b) (6), (b) (7)(C) and the charge in case 02-CA-077480 was filed by the Union, each as set forth in the following table, upon the Respondent on the dates indicated:

Case	Amended	Date Filed	Date Served
02-CA-077300		March 23, 2012	March 27, 2012
02-CA-077300	First Amended	March 27, 2012	April 5, 2012
02-CA-077300	Second Amended	May 3, 2012	May 7, 2012
02-CA-077300	Third Amended	August 15, 2012	August 16, 2011
02-CA-084546		July 5, 2012	July 5, 2012
02-CA-077480		March 27, 2012	March 28, 2012
02-CA-083408		June 19, 2012	June 19, 2012
02-CA-083408	First Amended	July 19, 2012	July 19, 2012


2. (a) At all material times Respondent, a domestic corporation with an office and place of business located at 357 Row C, NYC Terminal Market, Bronx, New York 10474, is engaged in the sale of fruits and vegetables to local suppliers and retailers.

(b) Annually, Respondent in the course and conduct of its business operations described in subparagraph (a) derives gross revenues in excess of \$50,000 from commercial customers which themselves directly engaged in interstate commerce.

3. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

4. (a) At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent acting in its behalf.

(b) (6), (b) (7)(C)

A large black rectangular redaction box covering the names and positions of the individuals listed in item 4(a).

(b) At material times from about January 2011 to about September 2012, the following individual held the position set forth opposite (b) (6), (b) (7)(C) name and has been an agent of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

5. At material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

6. Respondent, at its facility:

- a) On or about March 8, 2012, maintained an overbroad Harassment Prevention Policy.
- b) On or about March 8, 2012, by (b) (6), (b) (7)(C) at Respondent's facility, coerced employees to sign the Harassment Prevention Policy.
- c) On or about March 8, 2012, by (b) (6), (b) (7)(C) at Respondent's facility, coerced employees to sign the Harassment Prevention Policy.
- d) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), refused to recognize (b) (6), (b) (7)(C) as the employee selected by the Office and Professional Employees

International Union, Local 153 and its membership at the facility as its Shop Steward.

- e) On or about March 20, 2012, by (b) (6), (b) (7)(C) at Respondent's facility, threatened employees with discharge if they engaged in union representation of unit employees.
- f) In or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), orally disciplined employees (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) for photocopying their time sheets
- g) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), cleaned out (b) (6), (b) (7)(C) work area including personal family photographs.

7. Respondent, at its facility:

- a) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C) moved (b) (6), (b) (7)(C) Work Area
- b) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C) removed (b) (6), (b) (7)(C) work e-mail privileges.
- c) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C) placed (b) (6), (b) (7)(C) on paid administrative leave.
- d) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C) issued a written warning (b) (6), (b) (7)(C)
- e) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), demoted (b) (6), (b) (7)(C) to the position of (b) (6), (b) (7)(C)
- f) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C) reduced (b) (6), (b) (7)(C) salary.

- g) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), changed (b) (6), (b) (7)(C) lunch hour schedule.
- h) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), moved (b) (6), (b) (7)(C) work area a second time.
- i) On or about (b) (6), (b) (7)(C) 2012, issued a written warning to (b) (6), (b) (7)(C) for using (b) (6), (b) (7)(C) cell phone while at work.
- j) In or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), issued a written warning (b) (6), (b) (7)(C)
- k) In or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C) moved (b) (6), (b) (7)(C) work area.
- l) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C), demoted (b) (6), (b) (7)(C).
- m) On or about (b) (6), (b) (7)(C) 2012, by (b) (6), (b) (7)(C) placed (b) (6), (b) (7)(C) on paid administrative leave.
- o) Respondent engaged in the conduct described above in subparagraphs (a) through (m) because (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) assisted the Union and engaged in protected concerted activities and to discourage employees from engaging in these or other activities.

8. (a) Respondent, on around (b) (6), (b) (7)(C) 2012, discharged its employee (b) (6), (b) (7)(C)

(b) Since on or about (b) (6), (b) (7)(C) 2012 Respondent has failed and refused to reinstate or offer reinstatement to (b) (6), (b) (7)(C) to (b) (6), (b) (7)(C) former position of employment.

(c) Respondent engaged in the conduct described above in subparagraphs (a) and

(b) because (b) (6), (b) (7)(C) assisted the Union and engaged in protected concerted activities and to discourage employees from engaging in these or other activities.

9. By the conduct described above in paragraph 6, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

10. By the conduct described above in paragraphs 7 and 8, Respondent has been discriminating in regard to the hire, tenure, and/or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

11. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 7 and 8, the Acting General Counsel seeks, in addition to a complete and standard back pay remedy for all violations of the Act and all other relief as may be just and proper to remedy the unfair labor practices alleged, an order requiring reimbursement of amounts equal to the difference in taxes owed upon receipt of a lump-sum payment and taxes that would have been owed had there been no discrimination.

The Acting General Counsel further seeks, as part of the remedy for the allegations in paragraphs 8, that Respondent be required to submit the appropriate documentation to the Social Security Administration so that when back pay is paid, it will be allocated to the appropriate periods.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before October 11, 2012, or postmarked on or before October 12, 2012**. Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov. click on File Case Documents, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counselor non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile

transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on December 5, 2012, at 9:30 a.m. (EDT), at the Mary Walker Taylor Hearing Room on the 36th Floor of 26 Federal Plaza, New York, New York, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Signed at New York, New York
September 28, 2012

A handwritten signature in cursive script, reading "Karen P. Fernbach", written in black ink.

Karen P. Fernbach, Regional Director
National Labor Relations Board, Region 2
26 Federal Plaza, Room 3614
New York, NY 10278

Attachments

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2

NATHEL & NATHEL, INC.
D/B/A NATHEL & NATHEL

and

Case Nos. 02-CA-077300
02-CA-077480
02-CA-083408
02-CA-084546

(b) (6), (b) (7)(C), an individual

and

(b) (6), (b) (7)(C), an individual

and

Local 153 Office & Professional
Employees International Union

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter be, and the same hereby is, rescheduled from January 30, 2013, to March 11, 2013, at 9:30 A.M., and any adjourned date until completed, at 26 Federal Plaza, Room 3614, New York, New York.

Signed at New York, New York
January 8, 2013



Karen P. Fernbach,
Regional Director
National Labor Relations Board
Region 2

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

**NATHEL & NATHEL, INC.
D/B/A NATHEL & NATHEL**

and

Case Nos. 02-CA-077300
02-CA-077480
02-CA-083408
02-CA-084546

(b) (6), (b) (7)(C), an individual

and

(b) (6), (b) (7)(C), an individual

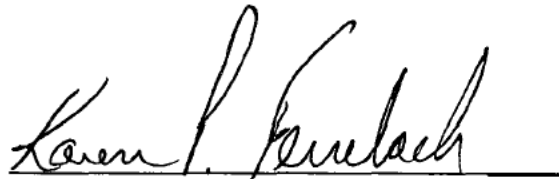
and

**Local 153 Office & Professional
Employees International Union**

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter be, and the same hereby is, rescheduled from March 11, 2013, to March 13, 2013, at 9:30 A.M., and any adjourned date until completed, at 26 Federal Plaza, Room 3614, New York, New York.

Signed at New York, New York
February 6, 2013

A handwritten signature in black ink, appearing to read "Karen P. Fernbach", is written over a horizontal line.

**Karen P. Fernbach,
Regional Director
National Labor Relations Board
Region 2**

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF
NATHEL & NATHEL, INC.

Cases 02-CA-077300;
02-CA-077480;
02-CA-083408;
02-CA-084546;
02-CA-090113

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICES — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notice to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date this Notice and immediately post it in the kitchen area, where notices to employees are ordinarily posted at 357 Row C, NYC Terminal Market, Bronx, New York 10474. The Charged Party will keep the Notice posted for 60 consecutive days after the initial posting.

E-MAILING NOTICES - The Charged Party will email a copy of the signed Notice in English and in additional languages if the Regional Director decides that it is appropriate to do so, to all employees represented by the Office and Professional Employees International Union, Local 153 who work at the facility located at 357 Row C, NYC Terminal Market, Bronx, New York 10474 who have a Nathel & Nathel company e-mail address. The message of the e-mail transmitted with the Notice will state: We are distributing the Attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 2 of the National Labor Relations Board in Case(s) 02-CA-077300, 02-CA-077480, 02-CA-083408 02-CA-084546 and 02-CA-090113. The Charged Party will forward a copy of that e-mail, with all of the recipient's e-mail addresses, to the Region's Compliance Officer at Christen.Ritter@nlrb.gov.

COMPLIANCE WITH NOTICE — The Charged Party will comply with all the terms and provisions of said Notice.

PAYMENT OF WAGES AND BENEFITS — Within 14 days from the Regional Director's approval of this agreement and the parties execution of a private Settlement Agreement and Release, the Charged Party will make whole (b) (6), (b) (7)(C) by: mailing two checks in (b) (6), (b) (7)(C) name to Region 2 in the following amounts: a) \$24,147.00 representing back-pay, minus statutory deductions and b) \$424.00 representing interest (no deductions made). Within 14 days from the Regional Director's approval of this agreement and the parties execution of a private Settlement Agreement and Release, the Charged Party will pay (b) (6), (b) (7)(C) \$3,250, minus statutory deductions by mailing a check in (b) (6), (b) (7)(C) name to Region 2 in that amount.

NONADMISSION CLAUSE: The signing of this agreement does not constitute an admission by the Charged Party that the Charged Party violated the National Labor Relations Act.

OTHER REMEDIES- The Charged Party agrees to provide the NLRB within 14 days from the Regional Director's approval of this Agreement and the execution of the private Settlement Agreement and Releases: a) a positive letter of reference for (b) (6), (b) (7)(C) including job description, length of employment and wage rate prior to March 19, 2012; and b) a signed Separation from Service Distribution Request Form from The Hartford for (b) (6), (b) (7)(C); c) a positive letter of reference for (b) (6), (b) (7)(C) including job description, length of employment and wage rate prior to June 21, 2012; and d) a signed Separation from Service Distribution Request Form from The Hartford for (b) (6), (b) (7)(C).

The Charged Party has replaced its prior Addendum to the Harassment Prevention Policy after review by the Region.

SCOPE OF THE AGREEMENT — This Agreement settles the allegations contained in the Complaint Notice of Hearing issued by the Region on September 28, 2012 in the matter of Nathel & Nathel Case Nos. 02-CA-077300, 02-CA-077480, 02-CA-083408, 02-CA-084546 and allegations contained in the charge referenced by Case No. 02-CA-90113 and does not settle any other case(s) or matters.

It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a cer(b) (6), (b) (7)(C)ng directly to the Charged Party. If such authorization is granted, Counsel will be simultaneousl courtesy copy of these documents.

Y

initials

No

Initials

PERFORMANCE — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s)

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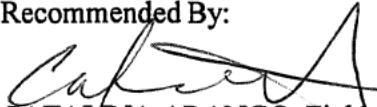
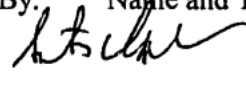

provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party NATHEL & NATHEL, INC.		Charging Party Case Nos. 02-CA-077300 and 02-CA-084546 (b) (6), (b) (7)(C)	
By: Name and Title	Date	By: Name and Title	Date
Recommended By:	Date	Charging Party Case No. 02-CA-083408, - and 02-CA-090113 (b) (6), (b) (7)(C)	Date
CATALINA ARANGO, Field Attorney		(b) (6), (b) (7)(C)	Date 9/17/13
		Charging Party Case No. 02-CA-077480 the Office and Professional Employees International Union, Local 153	
		By: Name and Title	Date
		Approved By: Regional Director, Region 02 <i>Karen L. Ferrelach</i>	Date 9/17/13

provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party NATHEL & NATHEL, INC.		Charging Party Case Nos. 02-CA-077300 and 02-CA-084546 (b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)	Date 04/17/13	By: Name and Title	Date
	Date	Charging Party Case No. 02-CA-083408, - and 02-CA-090113 (b) (6), (b) (7)(C)	Date
CATALINA ARANGO, Field Attorney		By: Name and Title	Date
		Charging Party Case No. 02-CA-077480 the Office and Professional Employees International Union, Local 153	
		By: Name and Title	Date
		Approved By: Regional Director, Region 02	Date

provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party NATHEL & NATHEL, INC.		Charging Party Case Nos. 02-CA-077300 and 02-CA-084546 (b) (6), (b) (7)(C)	
By: Name and Title	Date	By: Name and Title	Date
Recommended By:  CATALINA ARANGO, Field Attorney	Date 7/17/13	Charging Party Case No. 02-CA-083408, - and 02-CA-090113 (b) (6), (b) (7)(C)	Date
		By: Name and Title	Date
		Charging Party Case No. 02-CA-077480 the Office and Professional Employees International Union, Local 153	
		By: Name and Title  Local 153, Business Representative	Date 3/18/13
		Approved By: Regional Director, Region 02 	Date 4/17/13

provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

Charged Party NATHEL & NATHEL, INC.		Charging Party Case Nos. 02-CA-077300 and 02-CA-084546 (b) (6), (b) (7)(C)	
By: Name and Title	Date	(b) (6), (b) (7)(C)	Date 3/21/13
Recommended By: CATALINA ARANGO, Field Attorney	Date	Charging Party Case No. 02-CA-083408, - and 02-CA-090113 (b) (6), (b) (7)(C)	Date
		By: Name and Title	Date
		Charging Party Case No. 02-CA-077480 the Office and Professional Employees International Union, Local 153	
		By: Name and Title	Date
		Approved By: Regional Director, Region 02 <i>Karen P. Keimlach</i>	Date 4/17/13

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT do anything to prevent you from exercising the above rights.

WE WILL NOT isolate you from other employees to prevent you from engaging in union activities.

WE WILL NOT maintain an overly broad policy that stops employees from fraternizing or becoming overly friendly with other employees or employees of the Company's customers on and off company premises.

WE WILL NOT interfere with your right to freely bring Employee Workplace Policy issues and complaints to us on behalf of yourself and other employees.

WE WILL NOT place employees on paid administrative leave, or issue write-ups, warnings, reduce wages, or suspend or demote employees because they exercise their right to bring issues and complaints to us on behalf of themselves and other employees.

WE WILL NOT reduce the wages of Employees because of their membership in or support for the Office and Professional Employees International Union, Local 153, or any other labor organization.

WE WILL NOT change employee lunch hour schedules, work duties and work stations because of their membership in or support for the Office and Professional Employees International Union, Local 153, or any other labor organization.

WE WILL NOT threaten employees with discharge because of their support for the Office and Professional Employees International Union, Local 153, or any other labor organization.

WE WILL NOT place employees on paid administrative leave or discipline, suspend, lay off, reassign, transfer or demote employees because of their membership or support of the Office and Professional Employees International Union, Local 153, or any other labor organization.

WE WILL NOT fire employees because of their membership or support in the Office and Professional Employees International Union, Local 153, or any other labor organization.

WE WILL NOT refuse to recognize the Office and Professional Employees International Union, Local 153's appointment of Shop Steward.

WE WILL NOT deny or reduce bi-annual performance bonuses to employees because of their membership in or support for Office and Professional Employees International Union, Local 153, or any other labor organization.

WE WILL NOT remove email privileges from employees because they engage in activities on behalf of Office and Professional Employees International Union, Local 153, or any other labor organization.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE HAVE replaced the prior addendum to our Harassment Prevention Policy regarding fraternization after review from the Region.

WE WILL remove from our files all references, if any, to the discharge of (b) (6), (b) (7)(C) and notify the National Labor Relations Board in writing that this has been done and not make any future references to (b) (6), (b) (7)(C) discharge.

WE WILL remove from our files all references, if any, to all disciplines issued to (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) 2012 and notify the National Labor Relations Board in writing that these references, if any, have been removed and not make any future references to these actions.

WE WILL remove from our files any references, if any, to all disciplines issued to (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) 2012 and notify the National Labor Relations Board in writing that these references, if any, have been removed and not make any future references to these actions.

WE WILL give (b) (6), (b) (7)(C) bi-annual performance bonuses of August and December 2012.

WE WILL make whole employee (b) (6), (b) (7)(C) for any loss of wages and benefits, plus interest, (b) (6), (b) (7)(C) may have suffered due to (b) (6), (b) (7)(C) discharge and (b) (6), (b) (7)(C) has waived reinstatement.

WE HAVE offered (b) (6), (b) (7)(C) a substantially equivalent position in the Billing Department and (b) (6), (b) (7)(C) has declined the offer.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

WE WILL NOT refuse to recognize the Office and Professional Employees International Union, Local 153's appointment of (b) (6), (b) (7)(C)

WE WILL NOT deny or reduce bi-annual performance bonuses to employees because of their membership in or support for Office and Professional Employees International Union, Local 153, or any other labor organization.

WE WILL NOT remove email privileges from employees because they engage in activities on behalf of Office and Professional Employees International Union, Local 153, or any other labor organization.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE HAVE replaced the prior addendum to our Harassment Prevention Policy regarding fraternization after review from the Region.

WE WILL remove from our files all references, if any, to the discharge of (b) (6), (b) (7)(C) and notify the National Labor Relations Board in writing that this has been done and not make any future references to (b) (6), (b) (7)(C) discharge.

WE WILL remove from our files all references, if any, to all disciplines issued to (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) 2012 and notify the National Labor Relations Board in writing that these references, if any, have been removed and not make any future references to these actions.

WE WILL remove from our files any references, if any, to all disciplines issued to (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) 2012 and notify the National Labor Relations Board in writing that these references, if any, have been removed and not make any future references to these actions.

WE WILL give (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) bi-annual performance bonuses of August and December 2012.

WE WILL make whole employee (b) (6), (b) (7)(C) for any loss of wages and benefits, plus interest, (b) (6), (b) (7)(C) may have suffered due to (b) (6), (b) (7)(C) discharge and (b) (6), (b) (7)(C) has waived reinstatement.

WE HAVE offered (b) (6), (b) (7)(C) a substantially equivalent position in the Billing Department and (b) (6), (b) (7)(C) has waived (b) (6), (b) (7)(C).

WE WILL NOT refuse to recognize the Office and Professional Employees International Union, Local 153's appointment of (b) (6), (b) (7)(C).

WE WILL NOT deny or reduce bi-annual performance bonuses to employees because of their membership in or support for Office and Professional Employees International Union, Local 153, or any other labor organization.

WE WILL NOT remove email privileges from employees because they engage in activities on behalf of Office and Professional Employees International Union, Local 153, or any other labor organization.

WE WILL NOT in any like or related manner interfere with your rights under Section 7 of the Act.

WE HAVE replaced the prior addendum to our Harassment Prevention Policy regarding fraternization after review from the Region.

WE WILL remove from our files all references, if any, to the discharge of (b) (6), (b) (7)(C) and notify the National Labor Relations Board in writing that this has been done and not make any future references to (b) (6), (b) (7)(C) discharge.

WE WILL remove from our files all references, if any, to all disciplines issued to (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) 2012 and notify the National Labor Relations Board in writing that these references, if any, have been removed and not make any future references to these actions.

WE WILL remove from our files any references, if any, to all disciplines issued to (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) 2012 and notify the National Labor Relations Board in writing that these references, if any, have been removed and not make any future references to these actions.

WE WILL give (b) (6), (b) (7)(C) bi-annual performance bonuses of August and December 2012.

WE WILL make whole employee (b) (6), (b) (7)(C) for any loss of wages and benefits, plus interest, (b) (6), (b) (7)(C) may have suffered due to (b) (6), (b) (7)(C) discharge and (b) (6), (b) (7)(C) has waived reinstatement.

WE HAVE offered (b) (6), (b) (7)(C) a substantially equivalent position in the Billing Department and (b) (6), (b) (7)(C) has declined the offer.

WJH
(b) (6), (b) (7)(C)

Dated:

04/17/13

NATURAL & NATURAL INC
(b) (6), (b) (7)(C)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB



United States Government
NATIONAL LABOR RELATIONS BOARD
Region 2
26 Federal Plaza – Room 3614
New York, New York 10278-0104

July 1, 2013

Meredith Cavallaro, Esq.
Paduano & Weintraub LLP
1251 Avenue of the Americas, Ninth Floor
New York, New York 10020

Re: Nathel & Nathel, Inc.
Case Nos. 02-CA-077300; 077480; 083408;
084546; 090113

Dear Ms. Cavallaro:

Satisfactory evidence having been submitted of compliance with the Settlement Agreement in the above-captioned case, insofar as it requires certain affirmative action to be taken, and no evidence having been presented of the failure to comply with the requirement for refraining from engaging in certain conduct, the instant case is hereby closed and will remain closed, conditioned upon continued compliance.

You are cautioned that subsequent violations of the National Labor Relations Act may become the basis for further proceedings in the instant case despite its formal closing.

Very truly yours

/s/

Karen P. Fernbach
Regional Director

cc:

(b) (6), (b) (7)(C)



Local 153, OPEIU
Attn: Richard Lanigan, Secretary-Treasurer
265 W. 14th Street, 6th Floor
New York, NY 10011

Local 153, OPEIU
Attn: Seth Goldstein, Esq.
265 W. 14th Street, 6th Floor
New York, NY 10011

Richard Swartz
Swartz Swidler LLC
1878 Marlton Pike E
Cherry Hill, NJ 08003

Nathel & Nathel, Inc.
Attn: Richard Bylott, CFO
357 Row C
NYC Terminal Market
Bronx, NY 10474

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

Date Filed

02-CA-077480

03/27/12

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

Nathel & Nathel, Inc.

b. Tel. No. 718-991-6050

c. Cell No.

f. Fax No. 718-378-1378

d. Address (Street, city, state, and ZIP code)

357 Row C

New York City Terminal Market

Bronx, NY 10474

e. Employer Representative

Richard Bylott

g. e-Mail

h. Number of workers employed
Approximately 20i. Type of Establishment (factory, mine, wholesaler, etc.)
whole salerj. Identify principal product or service
Sells fruits and vegetables

k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (3) and (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

See attached

NEW YORK, NY

MAR 27 PM 2:21

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

Local 153, OPEIU

4a. Address (Street and number, city, state, and ZIP code)

265 West 14th Street, 6th Floor

New York, NY 10011

4b. Tel. No. 646-460-1309

4c. Cell No. 646-460-1309

4d. Fax No. 212-463-9479

4e. e-Mail

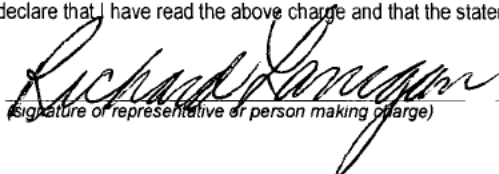
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

Office & Professional Employees International Union

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By



Richard Lanigan, Secretary-Treasurer

(signature of representative of person making charge)

(Print/type name and title or office, if any)

Tel. No. 646-460-1309

Office, if any, Cell No.
646-460-1309

Fax No. 212-463-9479

e-Mail

Address 265 West 14th Street, 6th Floor, New York, NY 10011

3-23-12

(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Basis of Charge

1. Local 153, OPEIU (hereinafter "Union") and Nathel & Nathel Inc. (hereinafter "Employer") are signatories to a Collective Bargaining Agreement. The Agreement runs from May 1st, 2010 until April 30th, 2013.
2. On or about March 8, 2012, the Employer promulgated an Addendum to Nathel & Nathel's Harassment Prevention Policy. The Policy prohibits "fraternizing with or dating other employees on or duty or off." The Policy is vague and overboard and restricts the right of employees (both union and non union) to engage in protected activities under the Act. (See an Addendum to Nathel & Nathel's Harassment Prevention Policy attached as Exhibit A.)
3. On or about March 21st, 2012, the Employer unlawfully interfered in the internal affairs of Local 153, OPEIU, by refusing to recognize the Union's appointment of (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C) for the bargaining unit employees working at Nathel & Nathel Inc.

Nathel & Nathel, INC.



FRUIT AND VEGETABLES

SHIPPERS
RECEIVERS
COMMISSION MERCHANTS



TEL: (718) 991-6050
FAX: (718) 378-1378

357 ROW C
NEW YORK CITY TERMINAL MARKET
BRONX, N.Y. 10474

March 08, 2012

ADEMDEM TO NATHEL & NATHEL HARASSMENT PREVENTION POLICY:

Employees are prohibited from fraternizing with or dating other employees on duty or off or become overly friendly with co-employees of the Company's customers, thereby avoiding personal entanglements.

Print Name _____

Signature _____

Date _____

(My signed acknowledgement will be placed in my personal file.)

NEW YORK, NY

MAR 08 2012 PM 12:58

11/11/11
7:48
11/11/11



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

March 28, 2012

NATHEL & NATHEL, INC.
ATTN: RICHARD BYLOTT
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

Re: NATHEL & NATHEL INC*
Case 02-CA-077480

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If CATALINA ARANGO is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

KAREN FERNBACH
Regional Director

- Enclosures:
1. Copy of Charge
 2. Commerce Questionnaire

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

NATHEL & NATHEL INC*

CASE NUMBER

02-CA-077480

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NATHEL & NATHEL, INC.

Charged Party

and

LOCAL 153, OPEU

Charging Party

Case 02-CA-077480

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 28, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

NATHEL & NATHEL, INC.
ATTN: RICHARD BYLOTT
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

March 28, 2012

Date

Name

/s/Teresa Proctor

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450

March 28, 2012

LOCAL 153, OPEU
265 W 14TH ST
6TH FLOOR
NEW YORK, NY 10011-7103

Re: NATHIEL & NATHIEL INC*
Case 02-CA-077480

The charge that you filed in this case on March 27, 2012 has been docketed as case number 02-CA-077480. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

KAREN FERNBACH
Regional Director

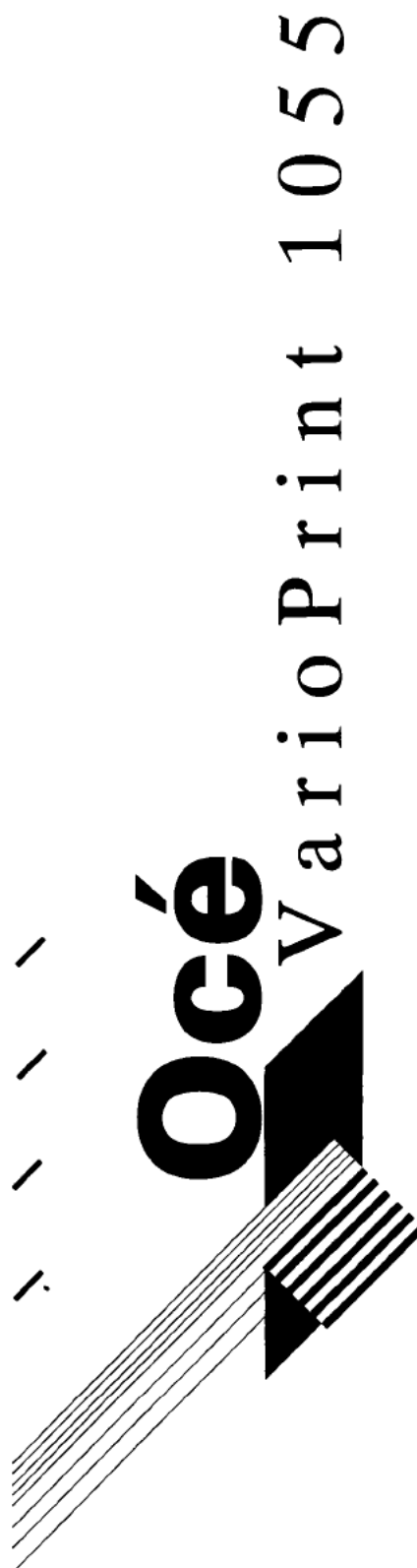
cc: LOCAL 153, OPEIU
ATTN: ADAM KELLY, ESQ.
265 W 14TH ST
FL 6
NEW YORK, NY 10011-7103

LOCAL 153, OFFICE &
PROFESSIONAL EMPLOYEES
INTERNATIONAL UNION
ATTN: RICHARD LANIGAN,
SECRETARY TREASURER
265 W 14TH ST
FL 6
NEW YORK, NY 10011-7103

Date 04-16-2012

Time 13:11:31

System vp173644



260 Madison Avenue
New York, NY 10016
212-759-9740
Fax: 212-759-7063
E-Mail: roger.madon@arb-net.net

Madon Malin, P.C.

Fax

To: Catalina Arango

From: Roger H. Madon

Fax: 212-264-2450

Pages:

Phone:

Date: April 13, 2012

Re: 2-CA-07730,77480,

cc:

☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

FORM NLRB-4701
(9-03)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and

Nathel & Nathel, Inc.

CASE 2-CA-077300, 077480

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
Nathel & Nathel, Inc.

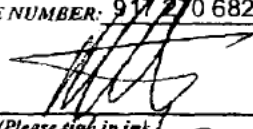
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME:	Roger H. Madon, Esq.		
MAILING ADDRESS:	Madon Malin, P.C. 260 Madison Ave. New York, NY 10016		
E-MAIL ADDRESS:	rogermadon@madonmalin.com		
OFFICE TELEPHONE NUMBER:	212 759 9740		
CELL PHONE NUMBER:	917 270 6829	FAX:	212 759 7063
SIGNATURE:			
DATE:	4/13/12		

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Local 153, OPEIU

and

Nathel & Nathel, Inc.

CASE 02-CA-077480

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Nathel & Nathel, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Meredith Cavallaro

MAILING ADDRESS: Paduano & Weintraub LLP, 1251 Avenue of the Americas, 9th Floor, New York, New York 10020

E-MAIL ADDRESS: mcavallaro@pwlawyers.com

OFFICE TELEPHONE NUMBER: 212-785-9100

CELL PHONE NUMBER: 917-941-6240

FAX: 212-785-9099

SIGNATURE: 

(Please sign in ink.)

DATE: 7/2/12

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
02-CA-083408	6/19/12

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Nathel & Nathel, Inc		b. Tel. No. 718-991-6050
		c. Cell No.
d. Address (street, city, state ZIP code) 357 Row C NYC Terminal Market Bronx, New York 10474	e. Employer Representative Richard Bylott	f. Fax No. 718-991-3747
		g. e-Mail
		h. Dispute Location (City and State) Bronx, NY
i. Type of Establishment (factory, nursing home, hotel) Wholesaler	j. Principal Product or Service Fruit and Vegetable Distribution	k. Number of workers at dispute location 15+

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about March 8, 2012, the Employer by its agents, officers and representatives has violated 8(a)(1) by interrogating, threatening, discouraging and coercing employees including (b) (6), (b) (7)(C) for engaging in Union activity/protected concerted in the exercise of their Section 7 rights.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated 8(a)(3) by retaliating against (b) (6), (b) (7)(C) by disciplining (b) (6), (b) (7)(C) for engaging in protected concerted activity.

(b) (6), (b) (7)(C) is a member of The Office and Professional Employee International Union, Local 53.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.**4d. Fax No.**

(b) (6), (b) (7)(C)

4e. e-Mail**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of

(b) (6), (b) (7)(C)

By

(b) (6), (b) (7)(C)

(Signature making charge)

Print Name and Title

Date: 6/11/12

Address:

(b) (6), (b) (7)(C)

Tel. No.**Office, if any, Cell No.****Fax No.****e-Mail**

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

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set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

June 19, 2012

NATHEL & NATHEL, INC.
ATTN: RICHARD BYLOTT, CFO
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

Re: NATHEL & NATHEL, INC
Case 02-CA-083408

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212)264-7614. If this Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



KAREN P. FERNBACH
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: PADUANO & WEINTRAUB LLP
1251 AVENUE OF THE AMERICAS
NINTH FLOOR
ATTN: MEREDITH CAVALLARO,
ESQ.
NEW YORK, NY 10020-1104

MADON MALIN, P.C.
ATTN: ROGER H. MADON, ESQ.
260 MADISON AVE
FL 17TH
NEW YORK, NY 10016-2401

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

NATHEL & NATHEL, INC

CASE NUMBER

02-CA-083408

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NATHEL & NATHEL, INC.

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 02-CA-083408

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on June 19, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

NATHEL & NATHEL, INC.
ATTN: RICHARD BYLOTT, CFO
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

PADUANO & WEINTRAUB LLP
ATTN: MEREDITH CAVALLARO, ESQ.
1251 AVENUE OF THE AMERICAS
NINTH FLOOR
NEW YORK, NY 10020-1104

MADON MALIN, P.C.
ATTN: ROGER H. MADON, ESQ.
260 MADISON AVE
FL 17TH
NEW YORK, NY 10016-2401

June 19, 2012

Date

Eulis Toatley, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

June 19, 2012

(b) (6), (b) (7)(C)

Re: NATHEL & NATHEL, INC
Case 02-CA-083408

The charge that you filed in this case on June 19, 2012 has been docketed as case number 02-CA-083408. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney CATALINA ARANGO whose telephone number is (212)264-7614. If the Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is written in a cursive, flowing style with a large initial "K".

KAREN P. FERNBACH
Regional Director

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and

Nathel & Nathel, Inc.

CASE 02-CA-083408

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Nathel & Nathel, Inc. _____

IN THE ABOVE-CAPTIONED MATTER. _____

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

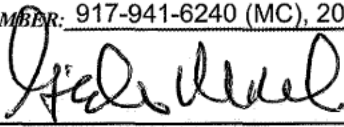
NAME: Meredith Cavallaro and Gideon Mark

MAILING ADDRESS: Paduano & Weintraub LLP, 1251 Avenue of the Americas, 9th Floor, New York, New York 10020

E-MAIL ADDRESS: mcavallaro@pwlawyers.com, gm@pwlawyers.com

OFFICE TELEPHONE NUMBER: 212-785-9100

CELL PHONE NUMBER: 917-941-6240 (MC), 201-850-3996 (GM) FAX: 212-785-9099

SIGNATURE: 
(Please sign in ink.)

DATE: JUNE 29, 2012

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

AMENDED CHARGE AGAINST EMPLOYER**INSTRUCTIONS:**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
02-CA-083408	7/9/12

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Nathel & Nathel, Inc		b. Tel. No. 718-991-6050
		c. Cell No.
d. Address (street, city, state ZIP code) 357 Row C NYC Terminal Market Bronx, New York 10474	e. Employer Representative Roger Madon, Esq Madon Malin, P.C 260 Madison Avenue, 16 th Floor New York, New York 10016	f. Fax No. 516-487-2107
		g. e-Mail
		h. Dispute Location (City and State) Bronx, NY
i. Type of Establishment (factory, nursing home, hotel) Wholesaler	j. Principal Product or Service Fruit and Vegetable Distribution	k. Number of workers at dispute location 50+

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about March 8, 2012, the Employer by its agents, officers and representatives has violated 8(a)(1) by interrogating, threatening, discouraging and coercing employees including (b) (6), (b) (7)(C) for engaging in union activity/protected concerted activity ion the exercise of their Section 7 rights.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated 8(a)(3) by retaliating against (b) (6), (b) (7)(C) by disciplining (b) (6) in retaliation for by engaging in union activity/protected concerted activity ion the exercise of their Section 7 rights.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated 8(a)(3) by demoting (b) (6), (b) (7)(C) in retaliation for engaging in protected concerted activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives including (b) (6), (b) (7)(C) has violated 8(a)(4) by demoting (b) (6), (b) (7)(C) in retaliation for filing an unfair labor practice charge with the NLRB on June 19, 2012.

(b) (6), (b) (7)(C) is a member of OPEIU, Local 153

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. (b) (6), (b) (7)(C) B. (b) (6), (b) (7)(C) (Signature and printed name of person filing charge)		Tel. No. (b) (6), (b) (7)(C)
Print Name and Title (b) (6), (b) (7)(C)		Office, if any, Cell No. 347-981-3346
Date: 7/2/12		Fax No.
Address: (b) (6), (b) (7)(C)		e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

July 13, 2012

NATHEL & NATHEL, INC.
RICHARD BYLOTT, CFO
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

Re: NATHEL & NATHEL, INC
Case 02-CA-083408

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

KAREN P. FERNBACH
Regional Director

Enclosure: Copy of first amended charge

NATHEL & NATHEL, INC	- 2 -	July 13, 2012
Case 02-CA-083408		

cc:	PADUANO & WEINTRAUB LLP ATTN: MEREDITH CAVALLARO, ESQ. 1251 AVENUE OF THE AMERICAS NINTH FLOOR NEW YORK, NY 10020-1104	
	MADON MALIN, P.C. ATTN: ROGER H. MADON, ESQ. 260 MADISON AVE FL 17TH NEW YORK, NY 10016-2401	

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NATHEL & NATHEL, INC.

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 02-CA-083408

AFFIDAVIT OF SERVICE OF FIRST AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on July 9th, 2012July 13, 2012, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

NATHEL & NATHEL, INC. ATTN: RICHARD BYLOTT, CFO 357 ROW C NYC TERMINAL MARKET BRONX, NY 10474	
PADUANO & WEINTRAUB LLP ATTN: MEREDITH CAVALLARO, ESQ. 1251 AVENUE OF THE AMERICAS NINTH FLOOR NEW YORK, NY 10020-1104	
MADON MALIN, P.C. ATTN: ROGER H. MADON, ESQ. 260 MADISON AVE FL 17TH NEW YORK, NY 10016-2401	

July 13, 2012		Luis Carrero, Designated Agent of NLRB
Date		Name
		Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

July 13, 2012

(b) (6), (b) (7)(C)

Re: NATHEL & NATHEL, INC
Case 02-CA-083408

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

KAREN P. FERNBACH
Regional Director

INTERNET
FORM NLRB-501UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS
BOARD

FORM EXEMPT UNDER 44 U.S.C. 3513

CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case: 02-CA-084546 Date Filed: 7/5/12

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BEING BROUGHT

a. Name of Employer:

Nathel & Nathel, Inc.

b. Tel. No.

(718) 991-6050

c. Cell No.

f. Fax No.

(718) 991-3747

g. e-Mail

h. Dispute Location
Bronx, NYk. Number of workers at dispute
location
15+

d. Address (Street, city, state, and ZIP code)

357 Row C

NYC Terminal Market

Bronx, NY, 10474

e. Employer Representative

Richard Bylott

i. Type of Establishment (factory, mine, wholesaler, etc)
Wholesalerj. Identify principal product or service
Fruit and Vegetable Distribution

1. The above named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1), (3), (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about (b) (6), (b) (7)(C) 2012, the Employer, by its agents, officers, and representatives, has violated 8(a)(4) by retaliating against (b) (6), (b) (7)(C) for filing unfair labor practice charges with the NLRB (see 02-CA-077300) by removing (b) (6), (b) (7)(C) from the workplace and forcing (b) (6), (b) (7)(C) to take paid administrative leave.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (Street and number, city, state and ZIP code)

(b) (6), (b) (7)(C)

4b. Cell No.

4c. Fax No.

4d. E-Mail

(b) (6), (b) (7)(C)

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when Charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

QuickTime™ and a
decompressor
are needed to see this picture.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(Charge)

(Title or office if any)

Address: (b) (6), (b) (7)(C)

SS:

Date:

7/5/12

Tel. No.

Office, if any Cell:

My attorney's office number is 856-685-7420.

Fax No.

My attorney's fax number is 856-685-7417.

e-Mail:

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151, et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-48 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the LRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.

NEW YORK, NY

JUL 05 - 5 PM 2:25



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

July 5, 2012

NATHEL & NATHEL, INC.
ATTN: RICHARD BYLOTT, CFO
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

Re: NATHEL & NATHEL, INC.
Case 02-CA-084546

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212)264-7614. If this Board agent is not available, you may contact Compliance Officer TERESA POOR whose telephone number is (212)264-5738.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Karen P. Fernbach". The signature is fluid and cursive, with the first name "Karen" being more prominent.

KAREN P. FERNBACH
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

NATHEL & NATHEL, INC.

CASE NUMBER

02-CA-084546

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NATHEL & NATHEL, INC.

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 02-CA-084546

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on July 5, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

NATHEL & NATHEL, INC.
ATTN: RICHARD BYLOTT, CFO
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

July 5, 2012

Date

Luis Carrero, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

July 5, 2012

(b) (6), (b) (7)(C)

Re: NATHIEL & NATHIEL, INC.
Case 02-CA-084546

The charge that you filed in this case on July 5, 2012 has been docketed as case number 02-CA-084546. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney CATALINA ARANGO whose telephone number is (212)264-7614. If the Board agent is not available, you may contact Compliance Officer TERESA POOR whose telephone number is (212)264-5738.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlrb.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is written in a cursive, flowing style.

KAREN P. FERNBACH
Regional Director

cc:

SWARTZ SWIDLER, LLC
1878 MARLTON PIKE E SOCIETY
HILLOFFICEPARK, SUITE 10
CHERRY NHILL, NJ 08003-2090

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and

Nathel & Nathel, Inc.

CASE 02-CA-084546

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Nathel & Nathel, Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Meredith Cavallaro and Gideon Mark

MAILING ADDRESS: Paduano & Weintraub LLP, 1251 Avenue of the Americas, 9th Floor, New York, New York 10020

E-MAIL ADDRESS: mcavallaro@pwlawyers.com, gm@pwlawyers.com

OFFICE TELEPHONE NUMBER: 212-785-9100

CELL PHONE NUMBER: 917-941-6240 (MC), 201-850-3996 (GM) FAX: 212-785-9099

SIGNATURE: 

(Please sign in ink.)

DATE: 2/9/2017

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2**

**Nathel & Nathel, Inc.
d/b/a Nathel & Nathel**

and

(b) (6), (b) (7)(C), an individual

and

(b) (6), (b) (7)(C), an individual

and

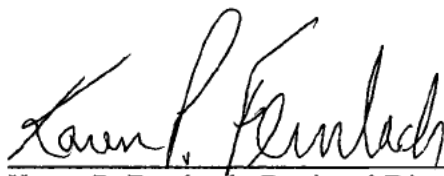
**Local 153 Office & Professional
Employees International Union**

**Case Nos. 02-CA-077300 ✓
02-CA-077480 ✓
02-CA-083408
02-CA-084546**

ORDER EXTENDING TIME TO FILE ANSWER

IT IS HEREBY ORDERED that the time within which Respondent may file an answer to the Complaint and Notice of Hearing in the above-entitled matter is hereby extended to **October 26, 2012.**

**Dated at New York, New York
Oct 10, 2012**



Karen P. Fernbach, Regional Director
National Labor Relations Board, Region 2
26 Federal Plaza, Room 3614
New York, New York 10278-0104

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2

NATHEL & NATHEL, INC.
D/B/A NATHEL & NATHEL

and

Case Nos. 02-CA-077300
02-CA-077480
02-CA-083408
02-CA-084546

(b) (6), (b) (7)(C), an individual

and

(b) (6), (b) (7)(C), an individual

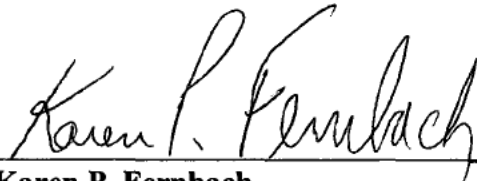
and

Local 153 Office & Professional
Employees International Union

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter be, and the same hereby is, rescheduled from December 5, 2012, to January 30, 2013, at 9:30 A.M., and any adjourned date until completed, at 26 Federal Plaza, Room 3614, New York, New York.

Signed at New York, New York
November 16, 2012


Karen P. Fernbach,
Regional Director
National Labor Relations Board
Region 2

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 2

NATHEL & NATHEL, INC.
D/B/A NATHEL & NATHEL

and

Case Nos. 02-CA-077300
02-CA-077480
02-CA-083408
02-CA-084546

(b) (6), (b) (7)(C), an individual

and

(b) (6), (b) (7)(C), an individual

and

Local 153 Office & Professional
Employees International Union

ORDER RESCHEDULING HEARING

IT IS HEREBY ORDERED that the hearing in the above-entitled matter be, and the same hereby is, rescheduled from January 30, 2013, to March 11, 2013, at 9:30 A.M., and any adjourned date until completed, at 26 Federal Plaza, Room 3614, New York, New York.

Signed at New York, New York
January 8, 2013



Karen P. Fernbach,
Regional Director
National Labor Relations Board
Region 2

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
02-CA-090113	9/26/12

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Nathel & Nathel, Inc		b. Tel. No. 718-991-6050
		c. Cell No.
d. Address (street, city, state ZIP code) 357 Row C NYC Terminal Market Bronx, New York 10474	e. Employer Representative Roger Madon, Esq Madon Malin, P.C 260 Madison Avenue, 16 th Floor New York, New York 10016	f. Fax No. 516-487-2107
		g. e-Mail
		h. Dispute Location (City and State) Bronx, NY
i. Type of Establishment (factory, nursing home, hotel) Wholesaler	j. Principal Product or Service Fruit and Vegetable Distribution	k. Number of workers at dispute location 50+

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by reducing (b) (6), (b) (7)(C) yearly work performance bonus to \$250.00 in retaliation for (b) (6) engaging in protected concerted activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by reducing (b) (6), (b) (7)(C) yearly work performance bonus to \$250.00 in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by disciplining (b) (6), (b) (7)(C) for dressing inappropriately at the work place in retaliation for engaging in protected concerted activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by disciplining (b) (6), (b) (7)(C) for dressing inappropriately at the work place in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge.		Tel. No. (b) (6), (b) (7)(C)
By: (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Office, if any, Cell No. (b) (6), (b) (7)(C)
(signature) making charge)	Print Name and Title	Fax No.
Address: (b) (6), (b) (7)(C)	Date: 9/13/12	e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

September 27, 2012

NATHEL & NATHEL, INC.
NYC TERMINAL MARKET
357 ROW C
BRONX, NY 10474

Re: NATHEL & NATHEL, INC
Case 02-CA-090113

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212)264-7614. If this Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your

position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

September 27, 2012

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is fluid and cursive, with the first name "Karen" being more prominent than the last name "Fernbach".

KAREN P. FERNBACH
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

cc: MADON MALIN, P.C.
ATTN: ROGER H. MADON, ESQ.
260 MADISON AVE., FL 17TH
NEW YORK, NY 10016-2401

PADUANO & WEINTRAUB LLP
1251 AVENUE OF THE AMERICAS,
FL 9
NEW YORK, NY 10020-1104

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

NATHEL & NATHEL, INC

CASE NUMBER

02-CA-090113

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NATHEL & NATHEL, INC.

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 02-CA-090113

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on September 27, 2012, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

MADON MALIN, P.C.
ATTN: ROGER H. MADON, ESQ.
260 MADISON AVE., FL 17TH
NEW YORK, NY 10016-2401

PADUANO & WEINTRAUB LLP
1251 AVENUE OF THE AMERICAS, FL 9
NEW YORK, NY 10020-1104

NATHEL & NATHEL, INC.
NYC TERMINAL MARKET
357 ROW C
BRONX, NY 10474

September 27, 2012

Date

Luis Carrero, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450

September 27, 2012

(b) (6), (b) (7)(C)

Re: NATHIEL & NATHIEL, INC
Case 02-CA-090113

The charge that you filed in this case on September 26, 2012 has been docketed as case number 02-CA-090113. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney CATALINA ARANGO whose telephone number is (212)264-7614. If the Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed

paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is written in a cursive, flowing style with a large initial "K".

KAREN P. FERNBACH
Regional Director



**United States Government
NATIONAL LABOR RELATIONS BOARD**

Region 2
26 Federal Plaza – Room 3614
New York, New York 10278-0104

Agency Website: www.nlrb.gov
Telephone: (212) 264-0300
Fax: (212) 264-2450

September 27, 2012

LOCAL 153, OPEIU
ATTN: RICHARD LANIGAN, SECRETARY-TREASURER
265 W 14TH STREET
NEW YORK, NY 10011-7187

Re: NATHIEL & NATHIEL, INC.
Case 02-CA-090113

This is to inform you that a charge has been filed with this office alleging the commission by the above-named employer of unfair labor practices within the meaning of section 8(a) of the National Labor Relations Act, as amended. A copy of the charge is enclosed, and you will note that you have been named therein in connection with the alleged unfair labor practices, although not as a respondent.

This charge will be investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceedings before the National Labor Relations Board and the Courts. In the event you choose to have representatives appear on your behalf, please have your representative complete "Notice of Appearance" Form NLRB-4701 and forward it promptly to this office

Since it appears that you and your representatives may have knowledge of the events leading to the charge, we would appreciate your supplying us with a written statement of any information in your possession which may have a bearing on the case. Please include copies of any documents mentioned and affidavits if they will help to make your position clear.

The case has been assigned for investigation to the Board Agent named below. If you would like to obtain further information respecting the charge or discuss the matter before responding, please telephone the Agent.

Your cooperation in this matter will be greatly appreciated.

Please be advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Very truly yours,

Karen P. Fernbach

KAREN P. FERNBACK
REGIONAL DIRECTOR

Enclosures: Copy of Charge

cc:

LOCAL 153, OPEIU
ATTN: ADAM KELLY, ESQ.
265 W 14TH STREET, FL 6
NEW YORK, NY 10011-7201

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
02-CA-090113	11/21/12

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Nathel & Nathel, Inc		b. Tel. No. 718-991-6050
		c. Cell No.
d. Address (street, city, state ZIP code) 357 Row C NYC Terminal Market Bronx, New York 10474	e. Employer Representative Meredith Cavallaro Paduano & Weintraub LLP 1251 Avenue of the Americas, 9 th Floor New York, New York 10020 Tel: 212-785-9100 Fax: 212-785-9099	f. Fax No. 516-487-2107
		g. e-Mail
		h. Dispute Location (City and State) Bronx, NY
i. Type of Establishment (factory, nursing home, hotel) Wholesaler	j. Principal Product or Service Fruit and Vegetable Distribution	k. Number of workers at dispute location 50+

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by reducing (b) (6), (b) (7)(C) yearly work performance bonus to \$250.00 in retaliation for (b) (6) engaging in protected concerted activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by reducing (b) (6), (b) (7)(C) yearly work performance bonus to \$250.00 in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408.

Since on or about September 6, 2012, the Employer by its agents, officers and representatives has violated the Act by disciplining (b) (6), (b) (7)(C) for dressing inappropriately at the work place in retaliation for engaging in protected concerted activity.

Since on or about September 6, 2012, the Employer by its agents, officers and representatives has violated the Act by disciplining (b) (6), (b) (7)(C) for dressing inappropriately at the work place in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408.

Since on or about October 1, 2012, the Employer by its agents, officers and representatives has violated the Act by refusing to include (b) (6), (b) (7)(C) in the Employer's yearly subscription to the "BJ Club" membership in retaliation for engaging in union activity/protected concerted activity in the exercise of their Section 7 rights.

Since on or about October 1, 2012, the Employer by its agents, officers and representatives has violated the Act by refusing to include (b) (6), (b) (7)(C) in the Employer's yearly subscription to the "BJ Club" membership in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408.

(b) (6), (b) (7)(C) is a member of OPEIU, Local 153

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4e. e-Mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I, (b) (6), (b) (7)(C) and that the statements are true to the best of my knowledge.

By: (b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	Tel. No. (b) (6), (b) (7)(C)
(signature)	(b) (6), (b) (7)(C)	Office, if any, Cell No. (b) (6), (b) (7)(C)
Print Name and Title		Fax No.
Address: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	Date:	e-Mail

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)

NEW YORK, NY

NOV 21 PM 1:04



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

November 27, 2012

NATHEL & NATHEL, INC.
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

Re: NATHEL & NATHEL, INC
Case 02-CA-090113

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach", is positioned above the typed name.

KAREN P. FERNBACH
Regional Director

Enclosure: Copy of first amended charge

cc: MADON MALIN, P.C.
ATTN: ROGER H. MADON, ESQ.
260 MADISON AVE., FL 17TH
NEW YORK, NY 10016-2401

PADUANO & WEINTRAUB LLP
1251 AVENUE OF THE AMERICAS,
9TH FL
NEW YORK, NY 10020-1104



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

November 27, 2012

(b) (6), (b) (7)(C)

Re: NATHIEL & NATHIEL, INC
Case 02-CA-090113

We have docketed the first amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach", is positioned above the typed name.

KAREN P. FERNBACH
Regional Director

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD**Second AMENDED CHARGE AGAINST EMPLOYER****INSTRUCTIONS:****DO NOT WRITE IN THIS SPACE**

Case

Date Filed

02-CA-090113

12/18/12

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Nathel & Nathel, Inc		b. Tel. No. 718-991-6050
		c. Cell No.
d. Address (street, city, state ZIP code) 357 Row C NYC Terminal Market Bronx, New York 10474	e. Employer Representative Meredith Cavallaro Paduano & Weintraub LLP 1251 Avenue of the Americas, 9 th Floor New York, New York 10020 Tel: 212-785-9100 Fax: 212-785-9099	f. Fax No. 516-487-2107
		g. e-Mail
		h. Dispute Location (City and State) Bronx, NY
i. Type of Establishment (factory, nursing home, hotel) Wholesaler	j. Principal Product or Service Fruit and Vegetable Distribution	k. Number of workers at dispute location 50+

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by reducing (b) (6), (b) (7)(C) yearly work performance bonus to \$250.00 in retaliation for (b) (6) engaging in protected concerted activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by reducing (b) (6), (b) (7)(C) yearly work performance bonus to \$250.00 in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by disciplining (b) (6), (b) (7)(C) for dressing inappropriately at the work place in retaliation for engaging in protected concerted activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by disciplining (b) (6), (b) (7)(C) for dressing inappropriately at the work place in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by refusing to include (b) (6), (b) (7)(C) in the Employer's yearly subscription to the "BJ Club" membership in retaliation for engaging in union activity/protected concerted activity in the exercise of their Section 7 rights.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by refusing to include (b) (6), (b) (7)(C) in the Employer's yearly subscription to the "BJ Club" membership in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by assigning (b) (6), (b) (7)(C) more work thereby creating onerous working conditions in retaliation for engaging in union activity/protected concerted activity in the exercise of their Section 7 rights.

Since on or about November 29, 2012, the Employer by its agents, officers and representatives has violated the Act by assigning (b) (6), (b) (7)(C) more work thereby creating onerous working conditions in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408 and Case No. 02-CA-090113.

(b) (6), (b) (7)(C) is a member of OPEIU, Local 153

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Tel. No.

(b) (6), (b) (7)(C)

4c. Cell No.

(b) (6), (b) (7)(C)

4d. Fax No.**4e. e-Mail****5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

I declare that I have read the above charge and that the statements are true to the best of my knowledge.

(b) (6), (b) (7)(C)

Tel. No.

(b) (6), (b) (7)(C)

Office, if any, Cell No.

(b) (6), (b) (7)(C)

By: 

(b) (6), (b) (7)(C)

RECEIVED
NLRB
DEC 18 PM 3:25
NEW YORK, NY

(signature of representative or person making charge)

Print Name and Title

Fax No.

Address: (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C)

Date: 12/7/12

e-Mail

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)

RECEIVED
NLRB
REGION 2
2012 DEC 18 PM 3:25
NEW YORK, NY



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

December 18, 2012

NATHEL & NATHEL, INC.
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

Re: NATHEL & NATHEL, INC
Case 02-CA-090113

Enclosed is a copy of the second amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the second amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

KAREN P. FERNBACH
Regional Director

Enclosure: Copy of second amended charge

cc: MADON MALIN, P.C.
ATTN: ROGER H. MADON, ESQ.
260 MADISON AVE., FL 17TH
NEW YORK, NY 10016-2401

PADUANO & WEINTRAUB LLP
1251 AVENUE OF THE AMERICAS
NINTH FLOOR
NEW YORK, NY 10020-1104



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

December 18, 2012

(b) (6), (b) (7)(C)

Re: NATHIEL & NATHIEL, INC
Case 02-CA-090113

We have docketed the second amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the second amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach", is positioned above the typed name.

KAREN P. FERNBACH
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450

February 26, 2021

Nathel & Nathel, Inc.
357 Row C
NYC Terminal Market
Bronx, NY 10474

Re: NATHEL & NATHEL, INC
Case 02-CA-090113

Dear Sir or Madam:

Enclosed is a copy of the third amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the third amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

KAREN P. FERNBACH
Regional Director

Enclosure: Copy of third amended charge

cc: Roger H. Madon, Esq.
Madon Malin, P.C.
260 Madison Ave. FL 17th
New York, NY 10016-2401

Paduano & Weintraub LLP
Attn: Meredith Cavallaro
1251 Avenue of the Americas
9TH Floor
New York, NY 10020-1104

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NATHEL & NATHEL, INC.

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 02-CA-090113

AFFIDAVIT OF SERVICE OF THIRD AMENDED CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on February 26, 2021, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

ROGER H. MADON, ESQ.
MADON MALIN, P.C.
260 MADISON AVE
FL 17TH
NEW YORK, NY 10016-2401

PADUANO & WEINTRAUB LLP
1251 AVENUE OF THE AMERICAS
NINTH FLOOR
NEW YORK, NY 10020-1104

NATHEL & NATHEL, INC.
357 ROW C
NYC TERMINAL MARKET
BRONX, NY 10474

February 26, 2021

Date

Tira Branch, Designated Agent of NLRB

Name

Tira Branch

Signature

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

THIRD AMENDED CHARGE AGAINST EMPLOYER

INSTRUCTIONS:

DO NOT WRITE IN THIS SPACE

Case

Date Filed

02-CA-090113

1/10/13

File an original of this charge with NLRB Regional Director in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Nathel & Nathel, Inc		b. Tel. No. 718-991-6050
		c. Cell No.
d. Address (street, city, state ZIP code) 357 Row C NYC Terminal Market Bronx, New York 10474	e. Employer Representative Meredith Cavallaro Paduano & Weintraub LLP 1251 Avenue of the Americas, 9 th Floor New York, New York 10020 Tel: 212-785-9100 Fax: 212-785-9099	f. Fax No. 516-487-2107
		g. e-Mail
		h. Dispute Location (City and State) Bronx, NY
i. Type of Establishment (factory, nursing home, hotel) Wholesaler	j. Principal Product or Service Fruit and Vegetable Distribution	k. Number of workers at dispute location 50+

1. The above-named employer has engaged in and is engaging unfair labor practices within the meaning of section 8(a), subsections (1) and (3), (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by reducing (b) (6), (b) (7)(C) yearly work performance bonus to \$250.00 in retaliation for (b) (6) engaging in protected concerted activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by reducing (b) (6), (b) (7)(C) yearly work performance bonus to \$250.00 in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by disciplining (b) (6), (b) (7)(C) for dressing inappropriately at the work place in retaliation for engaging in protected concerted activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by disciplining (b) (6), (b) (7)(C) for dressing inappropriately at the work place in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by refusing to include (b) (6), (b) (7)(C) in the Employer's yearly subscription to the "BJ Club" membership in retaliation for engaging in union activity/protected concerted activity in the exercise of their Section 7 rights.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by refusing to include (b) (6), (b) (7)(C) in the Employer's yearly subscription to the "BJ Club" membership in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408.

Since on or about November 29, 2012, the Employer by its agents, officers and representatives has violated the Act by assigning (b) (6), (b) (7)(C) more work thereby creating onerous working conditions in retaliation for engaging in union activity/protected concerted activity in the exercise of their Section 7 rights.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by assigning (b) (6), (b) (7)(C) more work thereby creating onerous working conditions in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408 and Case No. 02-CA-090113.

Since on or about December 28, 2012, the Employer by its agents, officers and representatives has violated the Act by reducing (b) (6), (b) (7)(C) year-end bonus to \$943.00 without the appropriate taxes withheld in retaliation for (b) (6) engaging in protected concerted activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by reducing (b) (6), (b) (7)(C) year-end bonus to \$943.00 without the appropriate taxes withheld in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by eliminating (b) (6), (b) (7)(C) yearly attendance bonus in retaliation for (b) (6) engaging in protected concerted activity.

Since on or about (b) (6), (b) (7)(C) 2012, the Employer by its agents, officers and representatives has violated the Act by eliminating (b) (6), (b) (7)(C) yearly attendance bonus in retaliation for (b) (6) filing an unfair labor practice charge in Case No. 02-CA-083408.

(b) (6), (b) (7)(C) is a member of OPEIU, Local 153

3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)	
4a. Address (street and number, city, state, and ZIP code) (b) (6), (b) (7)(C)	4b. Tel. No. (b) (6), (b) (7)(C) 4c. Cell No. (b) (6), (b) (7)(C) 4d. Fax No. 4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge. By: (b) (6), (b) (7)(C) (signature of representative of person making charge) Address: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)	Tel. No. (b) (6), (b) (7)(C) Office, if any, Cell No. (b) (6), (b) (7)(C) Fax No. e-Mail
Print Name and Title Date: 1/5/13	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 *et seq.* The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes. (b) (6), (b) (7)(C)

RECEIVED
NLRB
REGION 2
2013 JAN 10 PM 1:36
NEW YORK, NY



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

February 26, 2021

(b) (6), (b) (7)(C)

Re: NATHEL & NATHEL, INC
Case 02-CA-090113

Dear (b) (6), (b) (7)(C):

We have docketed the third amended charge that you filed in this case.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the third amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

Procedures: Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach", is positioned above the typed name.

KAREN P. FERNBACH
Regional Director



**United States Government
NATIONAL LABOR RELATIONS BOARD**

Region 2
26 Federal Plaza – Room 3614
New York, New York 10278-0104

Agency Website: www.nlrb.gov
Telephone: (212) 264-0300
Fax: (212) 264-2450

February 26, 2021

Local 153 OPEIU
ATTN: Richard Lanigan, Secretary-Treasurer
265 W 14th St.
New York, NY 10011-7187

Re: NATHIEL & NATHIEL, INC.
Case 02-CA-090113

This is to inform you that a charge has been filed with this office alleging the commission by the above-named employer of unfair labor practices within the meaning of section 8(a) of the National Labor Relations Act, as amended. A copy of the charge is enclosed, and you will note that you have been named therein in connection with the alleged unfair labor practices, although not as a respondent.

This charge will be investigated by Senior Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212) 264-0322.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceedings before the National Labor Relations Board and the Courts. In the event you choose to have a representative appear on your behalf, please have your representative complete "Notice of Appearance" Form NLRB-4701 and forward it promptly to this office.

Since it appears that you and your representatives may have knowledge of the events leading to the charge, we would appreciate your supplying us with a written statement of any information in your possession which may have a bearing on the case. Please include copies of any documents mentioned and affidavits if they will help to make your position clear.

The case has been assigned for investigation to the Board Agent named below. If you would like to obtain further information respecting the charge or discuss the matter before responding, please telephone the Agent.

Your cooperation in this matter will be greatly appreciated.

Please be advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Very truly yours,

Karen P. Fernbach

KAREN P. FERNBACH
Regional Director

Enclosures: Copy of THIRD AMEND Charge

Cc: Adam Kelly, Esq.
Local 153 Office of Professional
Employees Int'l Union
265 W 14th St. Fl. 6
New York, NY 10011

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER

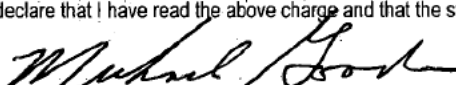
FORM EXEMPT UNDER 44 U.S.C 3512

DO NOT WRITE IN THIS SPACE

Case 02-CA-188575	Date Filed 11/21/16
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INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT	
a. Name of Employer Nathel & Nathel, Inc.	b. Tel. No. 718-991-6050
	c. Cell No.
	f. Fax No. 718-378-1378
d. Address (Street, city, state, and ZIP code) 357 Row C New York City Terminal Market Bronx, NY 10474	e. Employer Representative Scott Ferrara Human Resources
	g. e-Mail
	h. Number of workers employed Approximately 17
i. Type of Establishment (factory, mine, wholesaler, etc.) Fruit & Vegetable Distributor	j. Identify principal product or service Food
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 5 of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since on or about June 1, 2016, Nathel & Nathel, Inc. has unilaterally changed terms and conditions of the implemented agreement without notifying Local 153, OPEIU.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) Office & Professional Employees International Union, Local 153	
4a. Address (Street and number, city, state, and ZIP code) 265 West 14th Street New York, NY 10011	4b. Tel. No. 212-292-4669 4c. Cell No. 4d. Fax No. 212-463-9479 4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Office & Professional Employees International Union	
6. DECLARATION I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief. By <u></u> Michael Goodwin, Business Manager (signature of representative or person making charge) (Print/type name and title or office, if any)	
Tel. No. 212-741-8277 Office, if any, Cell No. Fax No. Same As Above e-Mail	
Address _____ 11/17/16 _____ (date)	



WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
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February 26, 2021

Nathel & Nathel, Inc.
Attn: Scott Ferrara, HR
357 Row C
New York City Terminal Market
Bronx, NY 10474-

Re: Nathel & Nathel, Inc.
Case 02-CA-188575

Dear Mr. Ferrara:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Senior Field Attorney Gregory Davis whose telephone number is (212)776-8608. If this Board agent is not available, you may contact Supervisory Attorney Simon-Jon H. Koike whose telephone number is (212)776-8621.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

KAREN P. FERNBACH
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

Revised 3/21/2011

NATIONAL LABOR RELATIONS BOARD

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

02-CA-188575

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. **Did you begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NATHEL & NATHEL, INC.

Charged Party

and

**LOCAL 153, OFFICE & PROFESSIONAL
EMPLOYEES INTERNATIONAL UNION, AFL-
CIO**

Charging Party

Case 02-CA-188575

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 26, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Scott Ferrara, HR
NATHEL & NATHEL, INC.
357 Row C
New York City Termini Market
Bronx, NY 10474-

February 26, 2021

Date

Tira Branch, Designated Agent of NLRB
Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
NLRB
Mobile App

February 26, 2021

Local 153, Office & Professional Employees International Union
Attn: Michael Goodwin, Business Manager
265 West 14th Street, 6th Floor
New York, NY 10011-7103

Re: Nathel & Nathel, Inc.
Case 02-CA-188575

Dear Mr. Goodwin:

The charge that you filed in this case on November 21, 2016 has been docketed as case number 02-CA-188575. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Senior Field Attorney Gregory Davis whose telephone number is (212)776-8608. If this Board agent is not available, you may contact Supervisory Attorney Simon-Jon H. Koike whose telephone number is (212)776-8621.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is written in a cursive, flowing style.

KAREN P. FERNBACH
Regional Director



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

March 7, 2017

Scott Ferrara, HR
Nathel & Nathel, Inc.
357 Row C
New York City Terminal Market
Bronx, NY 10474-

Re: Nathel & Nathel, Inc.
Case 02-CA-188575

Dear Mr. Ferrara:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Karen P. Fernbach

Karen P. Fernbach
Regional Director

cc: Michael Goodwin, Business Manager
Local 153, Office & Professional
Employees International Union
265 West 14th Street, 6th Floor
New York, NY 10011-7103

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 02-CB-092966	Date Filed 11/9/12

INSTRUCTIONS File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1 LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a Name LOCAL 153, OFFICE & PROFESSIONAL EMPLOYEES INTERNATIONAL UNION		b. Union Representative to contact Richard Lanigan, Secretary/Treasurer	
c. Address (Street, city, state, and ZIP code) 265 West 14th Street, 6th Floor New York, New York 10011		d. Tel. No. 646-460-1309	e. Cell No.
		f. Fax No. 212-463-9479	g. e-Mail
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) (list subsections) 8(b)(1)(A) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) Since a date within the last six months, the above-named labor organization, by its officers, agents and representatives, has failed and refused to process the grievance of (b) (6), (b) (7)(C) regarding the below-named Employer's decision to issue a written warning and to lower (b) (6) bonus, for reasons that are discriminatory and arbitrary.			
3 Name of Employer Nathel & Nathel, Inc.		4a Tel No 718-991-6050	b Cell No
		c. Fax No 718-991-3747	d e-Mail
5 Location of plant involved (street, city, state and ZIP code) 357 Row C, NYC Terminal Market Bronx, NY 10474		6 Employer representative to contact Richard Bylott, CFO	
7 Type of establishment (factory, mine, wholesaler, etc) wholesaler	8 Identify principal product or service produce	9 Number of workers employed 50+	
10 Full name of party filing charge (b) (6), (b) (7)(C)		11a. Tel No	b. Cell No (b) (6), (b) (7)(C)
		c Fax No	d. e-Mail
11 Address of party filing charge (street, city, state and ZIP code) (b) (6), (b) (7)(C)			
12. DECLARATION I declare (b) (6), (b) (7)(C) and that the statements therein are true to the best of my knowledge and belief		Tel. No.	
By (b) (6), (b) (7)(C) An Individual (Signature of representative or person making charge) (Print/type name and title or office, if any)		Cell No (b) (6), (b) (7)(C)	
		Fax No	
Address (b) (6), (b) (7)(C) (date)		e-Mail	

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450

February 26, 2021

LOCAL 153, OFFICE & PROFESSIONAL
EMPLOYEES INTERNATIONAL UNION
RICHARD LANIGAN, SECRETARY TREASURER
265 W 14TH ST. FL 6
NEW YORK, NY 10011

Re: Local 153 Office & Professional Employees
International Union
Case 02-CB-092966

Dear Mr. Lanigan:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney CATALINA ARANGO whose telephone number is (212)264-7614. If this Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is fluid and cursive, with the first name "Karen" being more prominent than the last name "Fernbach".

KAREN P. FERNBACH
Regional Director

Enclosure: Copy of Charge

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**OFFICE & PROFESSIONAL EMPLOYEES
INT'L UNION LOCAL 153**

Charged Party

and

(b) (6), (b) (7)(C)

Charging Party

Case 02-CB-092966

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 26, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

RICHARD LANIGAN, Secretary Treasurer
LOCAL 153, OFFICE & PROFESSIONAL
EMPLOYEES INTERNATIONAL UNION
265 W 14TH ST
FL 6
NEW YORK, NY 10011

February 26, 2021

Date

Tira Branch, Designated Agent of NLRB

Name

/s/

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450

February 26, 2021

(b) (6), (b) (7)(C)

Re: Local 153 Office & Professional Employees
International Union
Case 02-CB-092966

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on November 9, 2012 has been docketed as case number 02-CB-092966. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge will be investigated by Field Attorney CATALINA ARANGO whose telephone number is (212)264-7614. If the Board agent is not available, you may contact Supervisory Attorney GEOFFREY DUNHAM whose telephone number is (212)264-0322.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing)

through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website www.nlr.gov or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is written in a cursive, flowing style.

KAREN P. FERNBACH
Regional Director



**United States Government
NATIONAL LABOR RELATIONS BOARD**

Region 2
26 Federal Plaza – Room 3614
New York, New York 10278-0104

Agency Website: www.nlrb.gov
Telephone: (212) 264-0300
Fax: (212) 264-2450

November 13, 2012

NATHEL & NATHEL
ATTN: RICHARD BYLOTT, CFO
357 ROW C NYC TERMINAL MARKET
BRONX, NY 10474

Re: LOCAL 153 OFFICE &
PROFESSIONAL EMPLOYEES
INTERNATIONAL
(NATHEL & NATHEL, INC.)
Case 02-CB-092966

This is to inform you that a charge has been filed with this office alleging the commission by the above-named employer of unfair labor practices within the meaning of section 8(a) of the National Labor Relations Act, as amended. A copy of the charge is enclosed, and you will note that you have been named therein in connection with the alleged unfair labor practices, although not as a respondent.

This charge will be investigated by Senior Field Attorney CATALINA ARANGO whose telephone number is (212) 264-7614. If the Board agent is not available, you may contact Supervisory Attorney GEOFF DUNHAM whose telephone number is (212) 264-0322.

Attention is called to your right, and the right of any party, to be represented by counsel or other representative in any proceedings before the National Labor Relations Board and the Courts. In the event you choose to have a representative appear on your behalf, please have your representative complete "Notice of Appearance" Form NLRB-4701 and forward it promptly to this office

Since it appears that you and your representatives may have knowledge of the events leading to the charge, we would appreciate your supplying us with a written statement of any information in your possession which may have a bearing on the case. Please include copies of any documents mentioned and affidavits if they will help to make your position clear.

The case has been assigned for investigation to the Board Agent named below. If you would like to obtain further information respecting the charge or discuss the matter before responding, please telephone the Agent.

Your cooperation in this matter will be greatly appreciated.

Please be advised that under the Freedom of Information Act, unfair labor practice charges and representation petitions are subject to prompt disclosure to members of the public upon request. In this regard, you may have received a solicitation by organizations or persons who have obtained public information concerning this matter and who seek to represent you before the National Labor Relations Board; their information regarding this matter is only that which must be made available to any member of the public.

Very truly yours,

Karen P. Fernbach

KAREN P. FERNBACH
Regional Director

Enclosures: Copy of Charge

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and

Local 153, Office & Professional Employees International

CASE 02-CB-092966

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

Nathel & Nathel Inc.

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Meredith Cavallaro

MAILING ADDRESS: Paduano & Weintraub LLP, 1251 Avenue of the Americas, 9th Floor, New York, New York 10020

E-MAIL ADDRESS: mcavallaro@pwlawyers.com

OFFICE TELEPHONE NUMBER: 212-785-9100

CELL PHONE NUMBER: 917-941-6240

FAX: 212-785-9099

SIGNATURE: 

DATE: _____

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 FEDERAL PLZ
RM 3614
NEW YORK, NY 10278-0004

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450

February 26, 2021

Michael A. McLaughlin, Attorney
Cohen, Leder, Montelbano & Grossman, LLC
1700 Galloping Hill Rd
Kenilworth, NJ 07033-1303

Re: LOCAL 153 OFFICE & PROFESSIONAL
EMPLOYEES INTERNATIONAL
UNION (NATHEL & NATHEL, INC.)
Case 02-CB-092966

Dear Mr. McLaughlin:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Karen P. Fernbach

KAREN P. FERNBACH
Regional Director

cc: (b) (6), (b) (7)(C)
[Redacted]

Richard Lanigan,
Secretary Treasurer
Local 153, Office & Professional
Employees International Union
265 W 14th St FL 6
New York, NY 10011

Richard Bylott, CFO
Nathel & Nathel, Inc.
357 Row C
NYC Terminal Market
Bronx, NY 10474

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
**CHARGE AGAINST LABOR ORGANIZATION
OR ITS AGENTS**

DO NOT WRITE IN THIS SPACE	
Case 02-CB-148627	Date Filed 3/17/15

INSTRUCTIONS: File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. LABOR ORGANIZATION OR ITS AGENTS AGAINST WHICH CHARGE IS BROUGHT			
a. Name OPEIU LOCAL 153		b. Union Representative to contact Myra Hepburn	
c. Address (Street, city, state, and ZIP code) 265 West 14th Street, 6th Floor New York, NY 10011		d. Tel. No. 212-292-4663	e. Cell No. 510-220-7417
		f. Fax No. 212-463-9479	g. e-Mail myra.hepburn@yahoo.com
h. The above-named organization(s) or its agents has (have) engaged in and is (are) engaging in unfair labor practices within the meaning of section 8(b), subsection(s) <u>03</u> of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act			
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)			
<p>We, members of local 153 at Nathel & Nathel, Inc., maintain that OPEIU violated Section 8(b)(3) of the NLRA when they would not bargain in good faith with our employer Nathel & Nathel, Inc and the New York Produce Trade Association regarding our collective bargaining agreement, which expired in 2013, and our health care coverage. OPEIU Local 153 canceled the health fund for members of Local 153 at the NYC Terminal Market in Hunts Point due to the "spiraling costs" but they have managed to negotiate a collective bargaining agreement and health coverage for three (3) other entities (ULLICO, Local 153 Members at Yankee Stadium, and Local 153 Members at New York Central Labor Council) under their umbrella.</p>			
3. Name of Employer Nathel & Nathel, Inc.		4a. Tel. No. 718-991-6050	b. Cell No.
		c. Fax No. 718-378-1378	d. e-Mail angel@nnproduce.net
5. Location of plant involved (street, city, state and ZIP code) NYC Terminal Market, 357 Row-C, Bronx, NY 10474		6. Employer representative to contact Angel Helck	
7. Type of establishment (factory, mine, wholesaler, etc.) Wholesaler	8. Identify principal product or service Produce	9. Number of workers employed 19	
10. Full name of party filing charge Local 153 Members at Nathel & Nathel		11a. Tel. No. 718-991-6050	b. Cell No. 718-514-0853
		c. Fax No.	d. e-Mail wanda@nnproduce.net
11. Address of party filing charge (street, city, state and ZIP code) NYC Terminal Market, 357 Row-C, Bronx, NY 10474			
(b) (6), (b) (7)(C)		Tel. No.	
(b) (6), (b) (7)(C)		Cell No. (b) (6), (b) (7)(C)	
(b) (6), (b) (7)(C)		Fax No.	
(b) (6), (b) (7)(C)		e-Mail (b) (6), (b) (7)(C)	
Address _____, (date) 3/17/2015			

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

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UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
NLRB
Mobile App

February 26, 2021

OPEIU, Local 153
Attn: Myra Hepbum
265 W. 14th FL 6th
New York, NY 10011-7103

Re: OPEIU Local 153 (Nathel & Nathel, Inc.)
Case 02-CB-148627

Dear Ms. Hepbum:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Senior Field Attorney Eric Brooks whose telephone number is (212)264-0319. If this Board agent is not available, you may contact Supervisory Attorney Suzanne Sullivan whose telephone number is (212)264-0346.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be

considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

KAREN P. FERNBACH
Regional Director

Enclosure: Copy of Charge

cc: OPEIU, Local 153
Attn: Richard Lanigan,
Secretary-Treasurer
265 W. 14th FL 6th
New York, NY 10011-7103

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

OPEIU LOCAL 153 (NATHEL & NATHEL, INC.)

Charged Party

and

**LOCAL 153 MEMBERS AT NATHEL &
NATHEL**

Charging Party

Case 02-CB-148627

AFFIDAVIT OF SERVICE OF CHARGE AGAINST LABOR ORGANIZATION

I, the undersigned employee of the National Labor Relations Board, state under oath that on February 26, 2021, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

Myra Hepbum
OFFICE & PROFESSIONAL EMPLOYESS
INTERNATIONAL UNION, LOCAL 153
265 W. 14th STREET
FL 6TH
NEW YORK, NY 10011-7103

Richard Lanigan, Secretary-Treasurer
OFFICE & PROFESSIONAL EMPLOYESS
INTERNATIONAL UNION, LOCAL 153
265 W. 14th STREET
FL 6TH
NEW YORK, NY 10011-7103

February 26, 2021

Date

Tira Branch, Designated Agent of NLRB

Name

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
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February 26, 2021

Local 153 Members at Nathel & Nathel
Attn: (b) (6), (b) (7)(C)
NYC Terminal Market
357 Row-C
Bronx, NY 10474

Re: OPEIU Local 153 (Nathel & Nathel, Inc.)
Case 02-CB-148627

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on March 19, 2015 has been docketed as case number 02-CB-148627. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Senior Field Attorney Eric Brooks whose telephone number is (212)264-0319. If this Board agent is not available, you may contact Supervisory Attorney Suzanne Sullivan whose telephone number is (212)264-0346.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.


Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.


Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

KAREN P. FERNBACH
Regional Director

Copy of charge only sent to:

(b) (6), (b) (7)(C)

A solid black rectangular redaction box covering the text below the redaction code.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 2
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlrb.gov
Telephone: (212)264-0300
Fax: (212)264-2450



Download
NLRB
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March 23, 2015

NATHEL & NATHEL, INC.
Attn: Angel Helck
357 Row C
NYC Terminal Market
Bronx, NY 10474-

Re: OPEIU Local 153 (Nathel & Nathel, Inc.)
Case 02-CB-148627

Dear Ms. Helck:

Enclosed is a copy of a charge that has been filed in this case. Although this charge is not filed against you, it is necessary for us to obtain information from you to determine whether we have jurisdiction over this case. In the future we may also need to obtain evidence from you concerning the merits of the charge. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Senior Field Attorney Eric Brooks whose telephone number is (212)264-0319. If this Board agent is not available, you may contact Supervisory Attorney Suzanne Sullivan whose telephone number is (212)264-0346.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

If, during the investigation of this matter, the Board agent asks for evidence, I strongly urge you or your representative to promptly present all evidence relevant to the investigation. In this way, the case may be fully investigated more quickly.

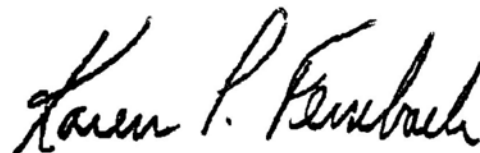
We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at a hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Procedures: We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. On all your correspondence regarding the charge, please include the case name and number indicated above.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures*, offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,



KAREN P. FERNBACH
Regional Director

Enclosures

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

OPEIU Local 153 (Nathel & Nathel, Inc.)

CASE NUMBER

02-CB-148627

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$

YES

NO

B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$**H. Gross Revenues from all sales or performance of services (Check the largest amount)**☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months?** If yes, specify date: _____**10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 02
26 Federal Plz Ste 3614
New York, NY 10278-3699

Agency Website: www.nlr.gov
Telephone: (212)264-0300
Fax: (212)264-2450

May 28, 2015

Myra Hepbum
Office & Professional Employees International Union, Local 153
265 W. 14th Street
Fl 6th
New York, NY 10011-7103

Re: OPEIU Local 153 (Nathel & Nathel, Inc.)
Case 02-CB-148627

Dear Ms. Hepbum:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

A handwritten signature in black ink, reading "Karen P. Fernbach".

KAREN P. FERNBACH
Regional Director

cc:

(b) (6), (b) (7)(C)

Local 153 Members at Nathel & Nathel
NYC Terminal Market
357 Row-C
Bronx, NY 10474

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